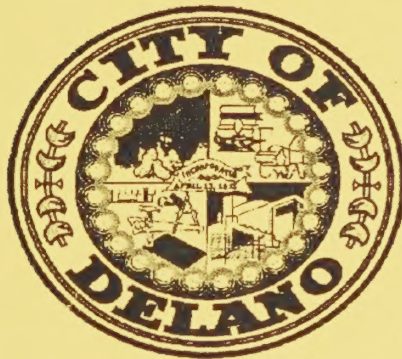


2005 0091
IGSL

**CITY OF DELANO
MUNICIPAL CODE
TITLE 20**



Zoning Ordinance

(ORDINANCE 2004-1110)

**CITY OF DELANO
1015 ELEVENTH AVENUE
DELANO, CA 93216**

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NAME	RESIDENCE	DATE OF ARRIVAL
JOHN J. BROWN	123 Main St.	1910
MARY E. SMITH	456 Oak St.	1912
WILLIAM H. JONES	789 Elm St.	1915
CHARLES F. WHITE	101 Pine St.	1918
EDWARD G. BLACK	202 Cedar St.	1920
FRANK L. GREEN	303 Birch St.	1922
ALICE M. HARRIS	404 Spruce St.	1925
ROBERT K. MILLER	505 Willow St.	1928
HELEN J. WATSON	606 Ash St.	1930
JOHN D. ROY	707 Hickory St.	1932
MARGARET A. COLE	808 Sycamore St.	1935
WALTER B. REED	909 Magnolia St.	1938
JOSEPH C. BAKER	1010 Poplar St.	1940
ETHEL S. GIBSON	1111 Chestnut St.	1942
ALFRED H. PERKINS	1212 Walnut St.	1945
BEATRICE L. FOSTER	1313 Elm St.	1948
CLAUDE W. HAYES	1414 Oak St.	1950
IRVING M. KANE	1515 Pine St.	1952
JOAN P. STEVENSON	1616 Cedar St.	1955
LEONARD R. HUGHES	1717 Birch St.	1958
OLIVE K. WALKER	1818 Spruce St.	1960
PAUL T. LYNN	1919 Willow St.	1962
RENE E. SCHMIDT	2020 Ash St.	1965
STANLEY J. COOPER	2121 Hickory St.	1968
TERESA M. BARNES	2222 Sycamore St.	1970
WALTER D. FLETCHER	2323 Magnolia St.	1972
XENIA L. HENDERSON	2424 Poplar St.	1975
YOUNG S. WATSON	2525 Chestnut St.	1978
ZACHARY B. PERKINS	2626 Walnut St.	1980
ADAM J. COLE	2727 Elm St.	1982
ALICE M. HARRIS	2828 Oak St.	1985
BENJAMIN F. MILLER	2929 Pine St.	1988
CHARLES E. WATSON	3030 Cedar St.	1990
DANIEL R. ROY	3131 Birch St.	1992
ETHEL S. GIBSON	3232 Spruce St.	1995
FRANK L. GREEN	3333 Willow St.	1998
GEORGE H. JONES	3434 Ash St.	2000
HAROLD K. WHITE	3535 Hickory St.	2002
IRVING M. KANE	3636 Sycamore St.	2005
JOAN P. STEVENSON	3737 Magnolia St.	2008
JOHN D. ROY	3838 Poplar St.	2010
MARGARET A. COLE	3939 Chestnut St.	2012
PAUL T. LYNN	4040 Walnut St.	2015
RENE E. SCHMIDT	4141 Elm St.	2018
STANLEY J. COOPER	4242 Oak St.	2020
TERESA M. BARNES	4343 Pine St.	2022
WALTER D. FLETCHER	4444 Cedar St.	2025
XENIA L. HENDERSON	4545 Birch St.	2028
YOUNG S. WATSON	4646 Spruce St.	2030
ZACHARY B. PERKINS	4747 Willow St.	2032
ADAM J. COLE	4848 Ash St.	2035
ALICE M. HARRIS	4949 Hickory St.	2038
BENJAMIN F. MILLER	5050 Sycamore St.	2040
CHARLES E. WATSON	5151 Magnolia St.	2042
DANIEL R. ROY	5252 Poplar St.	2045
ETHEL S. GIBSON	5353 Chestnut St.	2048
FRANK L. GREEN	5454 Walnut St.	2050
GEORGE H. JONES	5555 Elm St.	2052
HAROLD K. WHITE	5656 Oak St.	2055
IRVING M. KANE	5757 Pine St.	2058
JOAN P. STEVENSON	5858 Cedar St.	2060
JOHN D. ROY	5959 Birch St.	2062
MARGARET A. COLE	6060 Spruce St.	2065
PAUL T. LYNN	6161 Willow St.	2068
RENE E. SCHMIDT	6262 Ash St.	2070
STANLEY J. COOPER	6363 Hickory St.	2072
TERESA M. BARNES	6464 Sycamore St.	2075
WALTER D. FLETCHER	6565 Magnolia St.	2078
XENIA L. HENDERSON	6666 Poplar St.	2080
YOUNG S. WATSON	6767 Chestnut St.	2082
ZACHARY B. PERKINS	6868 Walnut St.	2085
ADAM J. COLE	6969 Elm St.	2088
ALICE M. HARRIS	7070 Oak St.	2090
BENJAMIN F. MILLER	7171 Pine St.	2092
CHARLES E. WATSON	7272 Cedar St.	2095
DANIEL R. ROY	7373 Birch St.	2098
ETHEL S. GIBSON	7474 Spruce St.	2100
FRANK L. GREEN	7575 Willow St.	2102
GEORGE H. JONES	7676 Ash St.	2105
HAROLD K. WHITE	7777 Hickory St.	2108
IRVING M. KANE	7878 Sycamore St.	2110
JOAN P. STEVENSON	7979 Magnolia St.	2112
JOHN D. ROY	8080 Poplar St.	2115
MARGARET A. COLE	8181 Chestnut St.	2118
PAUL T. LYNN	8282 Walnut St.	2120
RENE E. SCHMIDT	8383 Elm St.	2122
STANLEY J. COOPER	8484 Oak St.	2125
TERESA M. BARNES	8585 Pine St.	2128
WALTER D. FLETCHER	8686 Cedar St.	2130
XENIA L. HENDERSON	8787 Birch St.	2132
YOUNG S. WATSON	8888 Spruce St.	2135
ZACHARY B. PERKINS	8989 Willow St.	2138
ADAM J. COLE	9090 Ash St.	2140
ALICE M. HARRIS	9191 Hickory St.	2142
BENJAMIN F. MILLER	9292 Sycamore St.	2145
CHARLES E. WATSON	9393 Magnolia St.	2148
DANIEL R. ROY	9494 Poplar St.	2150
ETHEL S. GIBSON	9595 Chestnut St.	2152
FRANK L. GREEN	9696 Walnut St.	2155
GEORGE H. JONES	9797 Elm St.	2158
HAROLD K. WHITE	9898 Oak St.	2160
IRVING M. KANE	9999 Pine St.	2162
JOAN P. STEVENSON	10000 Cedar St.	2165

CHAPTER 20.1

CHAPTER 20.1

ADMINISTRATION

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ADMINISTRATION

CHAPTER 20.1

ADMINISTRATION

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20.1.10 **PURPOSE AND INTENT**

The City Council has established these standards, guidelines, and procedures to protect and promote the public health, safety, convenience, and welfare of present and future citizens of the City, specifically to:

- Implement the goals, objectives, policies, and programs of the General Plan and to manage future growth and change in accordance with that Plan;
- Protect the physical, social, and economic stability and vitality of residential, commercial, industrial, public, institutional and open space uses within the City to assure their orderly development;
- Reduce or eliminate hazards to the public resulting from potentially inappropriate location, use, or design of buildings and other improvements;
- Attain the physical, social, and economic advantages resulting from comprehensive and orderly land use and resource planning.

20.1.20 **AUTHORITY**

The authority for the regulations contained in this Title is based on Section 7, Article XI of the California Constitution, the provisions of the California Planning and Zoning Law (Division 1 of Title 7 of the California Government Code) which provide for the regulation of the intensity of land use and the adoption of standards for the regulation of population density, and the police power granted to municipalities by the laws of the State of California.

20.1.30 **APPLICABILITY**

All land, buildings, and structures within the incorporated portions of the City shall be used only as hereinafter provided. No use of land, and no use, construction, maintenance, operation, reconstruction or enlargement of any building or structure shall be allowed unless permitted under the express provisions of this Title or by other applicable ordinances of the City.

1. **Private Projects**

- a. No land, building, or structure shall be used, constructed, altered, or maintained except in conformance with the provisions of this Title.
- b. No use that requires a permit or approval under the provisions of this Title shall be established or operated until the permit or approval is finally granted, and all conditions of the permit or approval have been complied with.
- c. No use that requires a permit or approval under the provisions of this Title shall be established or operated in violation of, or contrary to, any terms and conditions of the granted permit or approval.
- d. No building or structure, or any part of an existing building or structure, may be constructed or altered in such a way as to cross a property line.

2. Public Projects

Unless otherwise exempted, federal, state, county, city and any other governmental projects shall be subject to the provisions of this Title, including projects operated by any combination of these agencies, or by a private person for the benefit of any such governmental agency.

3. Legal Procedure

Any building or structure erected or maintained, or any use of property contrary to the provisions of this Title, is hereby declared to be unlawful and a public nuisance, and the City Attorney, Code Enforcement Officer, District Attorney or other authorized official may immediately commence action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law; and may take such other steps, and may apply to such court or courts as may have jurisdiction to grant such relief to abate or remove such building, structure or use and restrain and enjoin any person from setting up, erecting or maintaining such building or structure, or use of any property contrary to the provisions of this Title (it shall be the right and duty of every citizen to participate and assist City Officials in the enforcement of the provisions of this Title).

4. Subdivisions

- a. The provisions of this Title relating to subdivisions shall be controlled by Section 66499.30 et. seq. of the Subdivision Map Act and Title 16 of the Municipal Code.
- b. The provisions of Title 16 relating to the enforcement and judicial review of subdivisions, as defined in the Subdivision Map Act, shall not apply to:
 - Short-term leases pursuant to Section 66411 of the Subdivision Map Act.
 - The exclusions to the provisions of the Subdivision Map Act pursuant to Section 66412 therein.
 - The financing and leasing of commercial and industrial buildings pursuant to Section 66412.1 of the Subdivision Map Act.
 - The construction, financing and leasing of dwelling unit types pursuant to Section 66412.2 of the Subdivision Map Act.
 - Small, removable commercial buildings pursuant to Section 66412.5 of the Subdivision Map Act.
 - Parcels created prior to March 4, 1972 pursuant to Sections 66412.7 and 66412.8 of the Subdivision Map Act.
 - Subdivisions previously established pursuant to the provisions of Section 66412.7 of the Subdivision Map Act.
 - The conveyance of land to a public entity for rights-of-way pursuant to Section 66426.5 of the Subdivision Map Act.

20.1.40 ENFORCEMENT

1. The City Manager, City Attorney, District Attorney, Code Enforcement Officer, Building Official, Public Works Director/City Engineer, Community Development Director, or their designee, any duly authorized law enforcement officer, and any official charged with the issuance of licenses and permits shall enforce the provisions of this Title.
2. All officials and employees of the City, vested with the authority or duty to issue permits, shall conform to the provisions of this Title and shall not issue a permit, certificate or licenses for uses, purposes, buildings or structures in conflict with the provisions of this Title. Any such permit, certificate or license issued in conflict with the provisions of this Title shall be null and void.
3. Whenever an authorized official finds that a violation of this Title exists on any property located within the City, he or she shall notify the property owner on which the violation is located and direct that the violation be abated in a manner consistent with Title 20 (Zoning Ordinance) of the Municipal Code.

4. Remedies

All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person, hereunder, shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.

5. Continuing Violations

A continuing violation of this Title is deemed a separate violation of the Municipal Code for each and every day that such violation exists.

20.1.50 GENERAL PENALTY

Except as otherwise specifically provided in this Title, any person violating any provisions or failing to comply with any of the mandated requirements of Title 20 (Zoning Ordinance) of the Municipal Code is guilty of a misdemeanor. The general penalty for such misdemeanor shall be as set forth in Chapter 1.16, Title 1 of the Municipal Code.

20.1.60 CONFLICTING REGULATIONS

The provisions of this Title are not intended to interfere with or void any easements or legally established covenants or other existing agreements that are more restrictive than the provisions of this Title. Except where the express provisions of this Title or the context hereof amend any existing ordinance, nothing in this Title shall be deemed to repeal any other ordinances relating to the properties and areas affected hereby.

20.1.70 CLARIFICATION OF AMBIGUITIES

If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Title, or if ambiguity exists with respect to matters of height, yard requirements, area requirements, or district boundaries as set forth herein, it shall be the duty of the Community Development Director to ascertain all pertinent facts and issue an interpretation. The Community Development Director's interpretation is subject to the appeal process as defined by section 20.2.180 of this Title.

20.1.80 CITY TO BE HELD HARMLESS

Any person, organization, or entity who obtains or files an application to obtain a permit or approval pursuant to this Title shall hold the City harmless from any liability, including any claims of the applicant arising out of the issuance of the permit or approval, or the denial thereof, or arising out of any action by any person seeking to have a granted permit or approval held void by a court of law.

20.1.90 DETERMINATION OF SIMILAR USE

1. Application: When a proposed use of property is not expressly authorized as a permitted use, or as a conditional use by the regulations of the applicable zone district, an application may be submitted to the Community Development Department for a land use interpretation to determine whether or not the proposed use is similar to those uses permitted or conditionally permitted in the applicable zone district.
2. Basis for Determination of Similar Use: The determination of similar use shall constitute a ministerial action. In making a determination of similar use, the Community Development Director, or the City Council acting on referral or appeal, shall determine that a proposed use is similar to a use or uses expressly authorized in the applicable zoning district or districts if the proposed use meets the following criteria:
 - a. The use resembles or is of the same basic nature as a use or uses expressly authorized in the applicable zone district in terms of the following:
 - (1) The activities involved in or equipment or materials employed in the use.
 - (2) The effects of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations, and appearance.
 - b. The use is consistent with the stated purpose of the applicable district.

20.1.100 GENERAL PLAN

The City shall adopt and maintain a General Plan in accordance with the requirements of California Government Code Section 65000 et. seq. and applicable General Plan Guidelines prepared by the California Office of Planning and Research.

1. Consistency with the General Plan
 - a. No use of land, buildings, or structures for which an application is required pursuant to this Title is to be approved for processing under this Title unless it is consistent with the General Plan or a concurrent General Plan amendment request. In any case where there is a conflict in regulations between this Title and the General Plan, the General Plan shall prevail.
 - b. All land divisions within the City and changes or amendments to land use classifications, districts or regulations, and conditional use permits, variances, development agreements, site plans, and other permits and approvals shall be consistent with the General Plan and all applicable specific plans.
 - c. A proposed use or approval is consistent with the General Plan when the following conditions exist:

- The proposed use is allowed in the land use designation in which the use is located, as shown by the Land Use Map, and as described in the text of the General Plan;
 - The proposed use is in conformance with the goals, objectives, policies, programs, and guidelines of the elements of the General Plan and the intent thereof; and
 - The proposed use is to be established and maintained in a manner which is consistent with the elements of the General Plan and all applicable provisions contained therein.
2. Determinations of Consistency with the General Plan
- The Community Development Director shall have the responsibility to prepare reports and make determinations as to the conformity of applications and requests pursuant to this Title.
3. Administration of the General Plan
- The Community Development Director shall have the responsibility to investigate and make recommendations to the City Council regarding reasonable and practical means for implementing the General Plan or any element thereof, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open space and natural resources, and for the efficient and effective expenditure of public funds relating to the subjects addressed in the General Plan.

20.1.110 ZONE DISTRICTS

1. Districts -- Created

In order to provide a uniform basis for regulating the use of land, buildings, and structures, and to establish minimum site development regulations and performance standards applicable to sites within the City, the City is hereby divided into the following zone districts:

Planned Development (PD)
Community Facilities (CF) District
Airport Approach Height Overlay (H) District
Drilling Island (DI) District
Petroleum Extraction Combining (PE) District

Residential Agricultural (RA) District
Single Family Residential (R-1) District
Light Multiple-Family Residential (R-2) District
Multiple-Family Residential (R-3) District

General Commercial (GC) District
Neighborhood Commercial (NC) District
Downtown Commercial (DC) District
Community Retail Commercial (CRC) District
Industrial (I) District
Agricultural (A) District

2. Determination of Zone District Boundaries

- a. Wherever a lot or site is divided by a boundary between differing districts, the regulations applicable within each district shall apply to each portion of the site within that district.
- b. The following rules shall apply for determining the boundaries of any district on the Zoning Map:
 - Where boundaries are indicated as approximately following street and alley lines or other identifiable property or boundary lines, such lines shall be construed to be the district boundary. Where boundaries are indicated as within a street or alley, the centerline thereof shall be construed to be the district boundary;
 - In unsubdivided property, where a district boundary divides a lot, the location of the district boundary, unless the same shall be indicated by dimensions, shall be determined by use of the scale appearing on the Zoning Map;
 - A symbol or symbols indicating the classification of property on the Zoning Map shall in each instance apply to the whole of the areas within the Zoning District boundaries;
 - Where the public street, alley, or right-of-way is officially vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street, alley or right-of-way adjacent to that abutting property, as determined by the Community Development Director.

3. Zoning Maps

The boundaries of the zone districts established by this Title are not included in this Title but are shown on the Official Zoning Maps maintained by the Community Development Department. The Official Zoning Maps, and all notations, references, and other information shown thereon, shall be as much a part of this Title as if the matters and information set forth on such maps were all fully described herein.

20.1.120 PLANNING COMMISSION

Reserved Section

20.1.130 PLANNING AGENCY

Pursuant to Section 65100 of the California Government Code, the planning agency for the City shall consist of the City Council and City staff acting under authority of this Title.

20.1.140 PROJECT REVIEW COMMITTEE

1. Project Review Committee -- Created

Pursuant to California Government Code Section 65100, a Project Review Committee (PRC) is hereby established to act in a technical capacity for the Planning Agency.

2. Composition

The PRC shall consist of the following members or their duly authorized representatives: Director of Public Works/City Engineer, Community Development Director, Community Services Director, Police Chief, Fire Marshall, Building Official, and others as needed. The Chairman of the PRC shall be appointed by the City Manager.

3. Powers and Duties

a. It shall be the duty of the PRC to review and make recommendations to the Planning Agency regarding any of the following:

- All tentative land division maps, including those specifically excepted from the requirement for a final map.
- All planned developments.
- Any discretionary land use application related to a development project such as a conditional use permit, variance, zone change, or general plan amendment.
- Any other project or action deemed by the Planning Agency to require review and recommendation by the PRC.

b. The PRC shall review and identify technical design features which are necessary to ensure adequate public health, safety and welfare, including adequate traffic and pedestrian circulation, proper grading and erosion control, including the prevention of sedimentation or flood and drainage damage to off-site property. In addition, the PRC shall consider the adequacy of existing public facilities and services and any potential fire hazards that may pose a threat to life, property, and the surrounding environment.

4. Meetings and Rules of Procedures

The PRC Chairman shall establish and maintain meeting dates and rules of procedure for the PRC. Such dates and procedures shall be available to the public in appropriate formats and locations to advise interested persons or groups.

20.1.150 COMMUNITY DEVELOPMENT DIRECTOR

This Title shall be administered by the Community Development Director whose responsibilities include the following functions that may be carried out by authorized subordinate employees.

The Community Development Director shall receive and review all applications for permits and approvals pursuant to this Title. Processing includes:

- The certification of completed applications;
- Responsibility for completion of appropriate documentation under the California Environmental Quality Act;
- The establishment of a permanent file;
- Giving and posting of public notices;

- Collection of applicable fees;
- Preparation of reports;
- Processing of appeals; and
- Presentation of staff reports to the PRC and the City Council.

20.1.160

FLOODPLAIN MANAGEMENT ADMINISTRATOR

1. Floodplain Management Administrator – Created

The City Manager shall appoint the Floodplain Management Administrator to administer and implement the Flood Management provisions of the Flood Insurance Studies Map for the City approved by the Federal Emergency Management Agency (FEMA) on May 20, 1990, by granting, conditionally granting, or denying development permits in accordance with those provisions.

2. Responsibilities

The duties and responsibilities of the Floodplain Management Administrator or his designee, shall include, but not be limited to:

a. Permit Review

- (1) Review all development permits to determine that they meet the requirements of this Title, other applicable City ordinances, and all applicable State laws.
- (2) Ensure that all other required State and Federal permits be obtained.
- (3) Determine if the site is reasonably safe from flooding.

b. Use of Other Base Flood Data

When base flood elevation data has not been provided by the "Flood Insurance Study" for the City, the Floodplain Management Administrator may obtain, review and reasonably utilize any base flood elevation and floodway data available from Federal, State or other sources, in order to fulfill said responsibilities.

c. Whenever a watercourse is to be altered or relocated, and such watercourse is identified by FEMA or City approved studies prepared by the City or other governmental agencies, to the extent required by law, the Floodplain Management Administrator shall:

- Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. The responsibility of providing such notification shall rest with the Public Works Director/City Engineer for local development projects.
- Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

- d. Obtain and maintain for public inspection and make available as needed the certifications required by this Title.
- e. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards.

20.1.170 CHALLENGES TO CITY ACTIONS

Any action or proceeding to attack, review, set aside, void, or annul any decision of the City pursuant to this Title shall not be maintained by any person unless the action or proceeding is commenced within ninety (90) calendar days after the date of the decision as provided in Section 1094.6 of the Code of Civil Procedures of the State.

20.1.180 SEVERANCE

If any section, subsection, subpart, or provision of this section or the application thereof to any person, property or circumstance is held invalid, the remainder of this section and the application of such to other persons, properties or circumstances shall not be affected thereby.

20.1.190 DEFINITIONS

The following definitions and those set forth throughout this Title shall apply when interpreting the intent or meaning of the requirements and guidelines of this Title.

Abutting, Adjoining, Adjacent

Having district boundaries or lot lines in common, however, where properties would have had lot lines in common except for the existence of an alley, the lot lines of those properties are considered to be abutting, adjoining, or adjacent.

Access Corridor

A portion of the site providing access from a street and having a dimension less than the required lot width. The area of an access corridor shall not be included in determining the lot area.

Access Rights

The right, claims, title, or privilege of access, by pedestrians or vehicles, to a public road or way.

Access Road

A graded road with such improvements and of such width as required in Title 16 of the City Municipal Code which provides access from a division of land to an existing maintained street or highway.

Accessory Structure

Any subordinate structure or portions of the main structure, the use of which is incidental to that of the main structure on the same lot or premises, and which is used

exclusively by the occupants of the main structure. An accessory structure may be erected only after the principal structure is established.

Accessory Living Quarters

See Guest Quarters

Accessory Use

Any use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or premises. An accessory use may be established only after the principal use is established.

Acreage (Gross)

The total fee ownership of a parcel or land area including any easements, but excluding any existing offers of dedication, dedications, or rights-of-way.

Acreage (Net)

The land area which remains after dedication of ultimate rights-of-way for (1) exterior boundary streets, (2) flood control rights-of-way, and (3) public parks developed to meet minimum standards. Major utility easements and rights-of-way may not be counted as adjusted net acreage. Areas devoted to park land or active recreational uses may be counted as adjusted net acreage only if such public facilities are proposed over and above the City's minimum park land requirements.

Active Recreational Uses

Facilities occurring in a planned development or multiple family project which are designed to provide individual or group activities of an active nature including, but not limited to, sports fields, court games, swimming pools, children's play areas, picnic areas, golf courses, and recreational community gardening. Active recreational uses do not include natural open space, nature study areas, open space for buffer areas, riding and hiking trails, water courses or drainage areas.

Advertising Statuary

An imitation or representation of a person or thing that is sculptured, molded, modeled or cast in any solid or plastic substance, material, or fabric and used to identify or advertise a product or service. Advertising statuary shall be considered and regulated as signs.

Airport

Improvements and activities related to the takeoff and landing of aircraft for the purpose of carrying passengers or freight, or for recreation, usually equipped with hangars, facilities for refueling and repair, terminal buildings, operations towers, and public safety facilities.

Alley

A secondary means of access to property, generally located at the rear or side of the property. An alley is not intended for general circulation traffic.

Alter

To make a change in the supporting members of a structure, such as bearing walls, columns, beams or girders, to prolong the life of a structure or to change an exterior or interior dimension of a structure. In case of a sign, "alter" means a change of all or a portion of the copy, message, sign legend, or face, except on signs designed to advertise changing messages.

Alteration

Any change or modification, through public or private action, to the character-defining or significant physical features of properties affected by this Title. Such changes may include modification of structures, architectural details, visual characteristics, grading, surface paving, addition of new structures, cutting or removal of trees, landscaping, alteration of natural features, disturbance of archeological sites or areas, and placement or removal of any significant objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, and landscape accessories affecting the property.

Ambient Noise Level

General noise level one finds in a certain area at a given time.

Animal Hospital

A place where animals are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

Animal (Exotic or Wild)

Exotic or wild animals include lions, tigers, bears, simians, cougars, badgers, wolves, coyotes, foxes, lynx, peacocks, monkeys, any venomous or otherwise dangerous reptile or dangerous or carnivorous wild animal, any wild animal as defined in Section 2116 of the California Fish and Game Code of the State of California, or any other animal determined to be dangerous or potentially dangerous by the Community Development Director.

Animal (Large)

Large Animal includes equine, bovine and similar sized domesticated animals as determined by the Community Development Director.

Animal (Medium)

Medium animals include sheep, goats and similar sized domesticated animals as determined by the Community Development Director.

Animal (Small)

Small animals include rabbits, chinchillas, guinea pigs and other similar sized animals as determined by the Community Development Director.

Apartment

One or more rooms with private bath and kitchen facilities comprising an independent self-contained residential dwelling unit, for rent or lease in a building containing more than two residential dwelling units.

Appeal

A request pursuant to the provisions of Section 2.180 for a review of an action undertaken pursuant to this Title.

Approved Access

One of the following:

- A dedicated right-of-way for access purposes.
- An offer to dedicate to the City, or an offer to dedicate to Kern County for which the City is a successor in interest, a right-of-way of a width established by City Ordinance, General Plan, or any adopted specific plan or highway right-of-way standards which expressly grants to the owner of the subdivision or development and any successors in interest the right to use the right-of-way without limit as to the quantity of vehicular traffic from each lot or use created by the owners or successors in interest to improve roadways in the City road system, both of which abut or connect to a publicly maintained roadway or connect to existing traveled roads where a prescriptive right by user has been established for public use.
- An offer to dedicate to the City, or an offer to dedicate to Kern County of which the City is a successor in interest, and to the public in general, an easement for public road, highway, and public utility purposes, of a width established as adequate for such purpose by the City. The offer to dedicate to the public in general can be accepted by public use, but the easement of road construction thereon shall not become a City roadway until and unless the City Council, by appropriate resolution, has caused said roadway to be accepted into the City road system.
- An existing traveled way where a prescriptive right by user has been established for public use by a Court decree.

Arcades

A place of business where five (5) or more electronic or coin operated games are operated for compensation.

Architectural Features

Any portion of the outer surface of a structure, including, but not limited to, the kind, color and texture of the building material, the type and style of windows, doors, lights, signs, walls, fences, awnings, canopies, screens, sculptures, decoration, roof shape and materials, and other fixtures appurtenant to a structure.

Architectural Projection

A marquee, fireplace chimney, porch, canopy or similar projection of a building.

Area (Building)

The sum in square feet of the areas of the horizontal projections of all structures on a lot excluding open pergolas, steps, chimneys, eaves, buttresses, cornices, unenclosed and unroofed terraces, patios, unenclosed private balconies not used for access, and minor ornamental features projecting from the walls of the building, which features are not directly supported by the ground.

Authorized Agent

A person bearing written authority from the property owner to act as the owner's representative.

Automobile/Automotive

Motor vehicles including cars, light duty vans and pick-up trucks, sport utility vehicles, and motorcycles.

Automotive and Light Truck Repair (Minor)

Activities including, but not necessarily limited to, automotive and light truck repair, the retail sale of goods and services for automobiles and light trucks (less than 6000 lbs.), and the cleaning and washing of automobiles. Uses typically include, but are not necessarily limited to, brake, muffler and tire shops and automotive drive-through car washes. Heavier automobile repair such as transmission and engine repair and auto body shops shall not be included in this land use type.

Automotive and Light Truck Repair (Major)

Activities typically including, but not necessarily limited to, automotive and light truck repair, heavy automobile and truck repair, such as transmission and engine repair, automotive painting and body work, and the installation of major accessories.

Automobile Service Station or Gasoline Service Station

A retail place of business engaged in supplying goods and services essential to the normal operation of automobiles, whose primary use is the dispensing of automotive fuel and motor oil.

Aviary

An outside enclosure within which small birds (excluding poultry or fowl as defined) are kept and raised.

Awning

A permanent or temporary structure attached to and wholly supported by a building, and installed over or in front of openings or windows in a building, and consisting of a fixed or movable frame and a top of canvas or other similar material covering the entire space enclosed between the frame and the building.

Bar/Cocktail Lounge

Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption

on the premises and the sale of said beverages comprises less than 25 percent of the gross receipts.

Barrier Strip

A strip of land one foot or more in width dedicated to the City for street purposes and access control at the end of a dead end street or along the side or a part-width dedicated street or other public right-of-way.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year (sometimes referred to as a 100-year flood).

Basement

Area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast Use

A special accessory use to a one-family residential dwelling where a limited or specified number of guest rooms are made available to transient guests for rent to provide overnight sleeping accommodations on a less than weekly basis. Bed and Breakfast Uses are subdivided into three (3) basic categories as follows:

- Host Home; One-family dwelling containing one (1) to two (2) guest rooms where said dwelling is occupied by the owner of the property.
- Bed and Breakfast Home: One-family dwelling containing three (3) to five (5) guest rooms where said dwelling is occupied by the owner of the property.
- Bed and Breakfast Inn/Lodge: An existing one-family dwelling which has been designated a Historical Structure containing a minimum of six (6) and a maximum of ten (10) guest rooms where said dwelling is occupied by the owner or manager of the property.

Bicycle Locker

A fully enclosed space accessible only to the owner or operator of the bicycle. This space may also serve other purposes.

Bicycle, Monitored Parking

An area for the parking of bicycles which is under constant surveillance.

Bicycle, Restricted Access Parking

Facilities within a locked room or locked enclosure accessible only to the owners or operators of bicycles parked within, or facilities within the common locked garage area(s) of a multiple family residential development which is accessible only to residents of the units for which the garage is provided.

Bicycle Way

An area either within or outside the right-of-way of a dedicated street where bicycle travel is the designated use.

Billboard

See Signs (Billboard)

Blinder Rack

An opaque device, which serves to obscure the lower two-thirds of any material displaying harmful matter.

Boarding or Rooming House

A building containing a dwelling unit where lodging is provided with or without meals for compensation for seven (7) or more persons.

Bridge

The construction of or addition to a bridge identified in the Circulation Element of the General Plan or is part of a major thoroughfare and spans a waterway, railway, roadway, highway, or freeway.

Building

Any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal or chattel and having a fixed location upon the ground.

Building, Accessory

A subordinate building, including shelters or swimming pools, the use of which is incidental to that of the main building on the same lot and/or building site.

Building Exposure

The linear measurement of exterior building walls enclosing interior spaces that are facing an outdoor area.

Building Face

The area of one building elevation, either the front, rear, or side.

Building Frontage

The side of a building that contains the main entrance for pedestrian ingress and egress. If more than one main entrance exists, the one that more nearly faces or is oriented to the street of highest classification as portrayed in the Circulation Element of the General Plan shall be considered the building frontage. If all streets are of the same classification, either side of the building may be considered to be the building frontage.

Building Height

The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof, but exclusive of vents, air conditioners, chimneys, or other such incidental appurtenances.

Building, Main

A building in which is conducted the principal use of the lot and/or building site on which it is situated.

Building Official

The Building Official of the City, or his/her designee.

Building Setback Area (Front)

See Yard (Front)

Building Setback Area (Side)

See Yard (Side)

Building Setback Area (Rear)

See Yard (Rear)

Building Site

A legally created parcel or contiguous parcels of land in single or joint ownership, which provides the area and the open spaces required by this Title, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner thereof.

Building Space

Building or portion of a building devoted to a single business interest without direct interior connections to other business interests.

Bulletin Board

A board, kiosk, or wall area not greater than eight (8) square feet on which are affixed personal notices, lost-and-found notices, business cards, and similar small informal notices referring to products, services, activities, or other items not offered on the same premises. The term, "Bulletin Board" shall not include attraction boards.

Business

A commercial, office, institutional, or industrial establishment.

Business Park

A group of two or more businesses located on a single parcel or contiguous parcels which utilize common off-street parking and access and/or share a common theme.

Cabana

Any portable, demountable, or permanent room, enclosure, or other structure erected, constructed or placed on a mobilehome space and used in conjunction with a mobilehome, and not used for sleeping purposes.

Canopy

A small roof or awning attached to the wall of a structure which is supported by no means other than its attachment to the wall.

Carport

A permanently roofed structure with not more than 2 enclosed sides used for automobile shelter and storage.

Church

An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

City

The City of Delano, California.

City Council

The City Council of the City.

City Engineer

The Public Works Director/City Engineer of the City, or his/her designee.

City Manager

The City Manager of the City, or his/her designee

City Standards

All building and development regulations enacted by ordinance, resolution or city policy, including standard drawings prepared by the Public Works Director/City Engineer, showing the nature of various items of improvement work to be constructed and/or made a part of on-site and off-site improvements associated with a development project.

Clubs

An association of persons for some common purpose but not including groups organized primarily to render service which is customarily carried on as a business.

Co-located

Locating wireless communications antennas and related equipment from more than one provider on a single tower, building, structure, or site.

Combining District

Any district in which the general district regulations are combined with those special districts for the purpose of additional special regulations.

Commercial

Any activity or use of land which involves buying, selling, processing or improving things not produced on the land, and having financial gain as the primary aim of the activity or use, whether or not such activity or use is for hire or on account of buyer, seller, processor or improver.

Communication Antenna

A transmitting or receiving device mounted on a tower, building, or structure, that is designed to transmit or receive communications, as authorized by the Federal Communications Commission, including but not limited to radiation or capture of electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunicators signals or other communication signals which transmit or receive radio signals. Antennas typically are either in dish, panel, or whip type structures.

Communication Equipment

Any communication antenna or related equipment designed to transmit or receive communications as authorized by the Federal Communications Commission.

Communication and Telecommunication Facilities

Includes cable television reception facilities, cellular telephone facilities, centers for employee telecommuting, communication receiving and broadcasting facilities and the like.

Communication Tower

A tower greater than thirty-five (35) feet in height (including antenna) which supports communication (transmission or receiving) equipment. The term communication tower shall not include amateur radio operators' equipment, as licensed by the Federal Communication Commission.

Community Care Facility

Elderly housing licensed by the State Health and Welfare Agency, Department of Social Services, typically for residents who are frail and need supervision. Services normally include three meals daily, house-keeping, security and emergency response, a full activities program, supervision in the dispensing of medicine, personal services such as assistance in grooming and bathing, but no nursing care. Sometimes referred to as residential care or personal care.

Community Noise Equivalent Level (CNEL)

The average noise level during a 24 hour day, in decibels, weighted to account for the lower tolerance of people to noise during evening (7:00 p.m. to 10:00 p.m.) and night (10:00 p.m. to 7:00 a.m.) hours relative to daytime hours. CNEL shall be computed as prescribed by Title 25 of the Administrative Code of the State of California.

Community Services District

A community services district that has the power to construct and maintain streets, landscaping, or other public improvements as appropriate with the context used.

Condominium

An estate in real property consisting of an undivided interest in real property, coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map or condominium plan in sufficient detail to locate all boundaries thereof, and as more specifically defined by California Civil Code Section 1351 (f).

Conservation Zone

An area of the City, whether commercial or residential, a majority of whose buildings are 50 years old or older, which the City wishes to maintain and revitalize so as to emphasize their importance to the past, present, and future of the City.

Construction (New)

Structures for which the "start of construction" commenced on or after the effective date of this code.

Construction (Start of, Substantial)

The placement of permanent construction of a structure (other than a mobilehome) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as a principal use as defined by the District within which the property is located.

Contiguous Parcels

Adjacent parcels of land, which shall be considered contiguous even if separated by roads, streets, utility easements, alleys, or railroad rights-of-way.

Convalescent Care

A facility licensed by the State Department of Public Health, the State Department of Social Welfare, or the Kern County Health Department which provides bed and ambulatory care for patients with postoperative convalescent, chronically ill or dietary problems, and persons aged or infirmed unable to care for themselves; but not including alcoholics, drug addicts, or persons with mental or contagious diseases or afflictions.

Convenience Store

Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

County

The County of Kern, California.

County Assessor

The County Assessor of the County of Kern.

County Recorder

The County Recorder of the County.

Coverage (Lot or Site)

"Lot or Site Coverage" shall mean the ratio between the ground floor area of the building or buildings and the lot area.

Day Care Facility

A facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24 hours basis. Day care facility includes family day care homes, infant centers, preschools, and extended day care facilities. A "family day care home" is a day care facility located in a residence which regularly provides care, protection, and supervision of children from more than one other family, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away and includes the following:

- "Large family day care facility" are those which provide family day care for 7 to 12 children, including children who reside at the home.
- "Small family day care facility" are those which provide family day care to six or fewer children, including children who reside at the home.

Demolition

Any act or process that destroys in part or in whole a structure.

Density

The number of permanent dwelling units per unit of land.

Density Bonus

The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location. For example, under California law, a housing development that provides 20 percent of its units for lower income households, or ten percent of its units for very low income households, or 50 percent of its units for seniors, is entitled to a density bonus.

Design Guidelines

The principles contained in a document that illustrates appropriate and inappropriate methods of rehabilitation and construction. The purpose of using design guidelines is to aid design and decision-making with regard to retaining the integrity of scale, design intent, materials, feeling, patterns of development, and historical character of a cultural resource.

Designated Site

A parcel or part thereof on which a cultural resource is or has been situated, and any abutting parcel or part thereof constituting part of the premises on which the cultural resource is situated, and which has been designated a cultural resource.

Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, excavation or drilling operations.

Development Agreement

An agreement between the City and project applicant (California Government Code Section 65864) specifying at a minimum the use, density or intensity of use, the maximum height and size of proposed buildings, and provisions for the reservation or dedication of land for public purposes for a proposed development project. A development agreement may also include other conditions, terms and restrictions, and requirements for subsequent discretionary actions.

Development Project

Any of the following:

- A project for which a building permit is required for a commercial, industrial, or institutional building, or residential building having five or more living units.
- Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste.
- The definition of development project only includes subdivisions or tracts of single family detached homes if, within such subdivisions or tracts there is an area where solid waste is collected and loaded in a location which serves five or more living units. In such instances, recycling areas as specified in this ordinance are only required to serve the needs of the living units that utilize the solid waste collection and loading area.

Dish Antenna

A dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

Dripline

A line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rain water tends to drip from the tree.

Drive-Through Facility

A facility, including a restaurant, which, by its design, allows people to receive goods and/or services while remaining in their automobiles.

Drive-Through Restaurant

A place of business that sells food products or beverages and which:

- Delivers such food products or beverages to customers outside of the building in which they are prepared by means of a service window, counter, or similar method or device, or
- * Delivers such food products or beverages to customers within a building that is designed in such a manner that a majority of the customers will remove such food products or beverages from the building.

Dwelling

A building or a portion thereof designed and used exclusively for residential occupancy; including single and multiple-family dwellings; including mobilehomes and manufactured housing, but not including hotels, motels, boarding houses or trailers.

Dwelling (Multifamily)

A building containing two or more dwelling units; or two or more dwelling units, either attached or detached, on one lot.

Dwelling (Single-Family)

A building containing one dwelling unit on one lot.

Dwelling Unit

A building or mobilehome or portion thereof, designed for residential occupancy for not more than one family.

Easement

The right to use property owned by another for specific purposes or to gain access to another property. For example, utility companies may have easements on private properties to be able to install and maintain utility facilities.

Edge of a Right-of-Way

A measurement from the limit of the public right-of-way measured along a line equidistant from and parallel to the centerline of the freeway, highway, or roadway.

Educational Institutions

Public and other institutions conducting regular academic instruction at kindergarten, elementary, secondary, or collegiate levels, and including graduate schools, universities, research institutions and religious institutions. Such institutions must either offer general academic instruction equivalent to the standards prescribed by the State Board of Education, confer degrees as a college or university of undergraduate or graduate standing, conduct academic or scientific research, or give religious instruction. This definition does not include commercial or trade schools.

Entertainment (Live)

This term, when used in this Code in connection with the performing arts and other methods of live performances by entertainers, shall apply to the following activities where they occur on a scheduled basis 3 or more days during a calendar year on the site of a use other than a public or semi-public use:

- A musical, theatrical or dance recital performed by one (1) or more persons, regardless of whether performers are compensated;
- Any form of dancing by patrons or guests at a business establishment.
- A fashion show, except when conducted within an enclosed building used primarily for manufacture or sale of clothing.

Environmental Constraint Note

Any note or notes required by the conditions of approval to be shown on an Environmental Constraint Sheet and reference made thereto on the final map. This shall be required when constraints involving (but not limited to) any of the following are conditioned by the City Council: archaeological sites, geologic mapping, grading, building, building setback lines, flood hazard zones, fire protection, water availability, sewage disposal, and signalization mitigation.

Environmental Constraint Sheet

A duplicate of the final map on which are shown the Environmental Constraint Notes. This sheet shall be filed simultaneously with the final map, with the City Engineer and labeled Environmental Constraint Sheet in the top margin. Applicable items will be shown under a heading labeled Environmental Constraint Notes. The Environmental Constraint Sheet shall contain the following, or a similar statement: "The Environmental Constraint information shown on this map sheet is for informational purposes describing conditions as of the date of filing, and derived from public records or reports and does not imply the correctness or sufficiency of those records or reports by the preparer of this map sheet."

Environmental Impact Report (EIR)

A report complying with the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines. This term is synonymous with an environmental impact statement (EIS) as defined in federal law.

Family

An individual, or two or more persons related by birth, marriage, or adoption [U.S. Bureau of the Census] or of not more than six persons living together who constitute a *bona fide* single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house, or institution of any kind.

Farm or Farm Parcel

A tract of land containing at least twenty (20) acres, devoted primarily to agricultural uses, together with a dwelling and/or other accessory uses.

Farmer's Market

A designated area or building where farm direct produce is allowed to be sold to the public.

Farm-Related Business

A business operated on a farm parcel, related to or supportive of agricultural activities, such as cold storage, sheds, maintenance shops, farm implement repair, and/or roadside sale of agricultural products.

Fast Food Restaurant

Any retail establishment intended primarily to provide short-order food services for on-site dining and/or take-out, including self-serve restaurants (excluding cafeterias where food is consumed on the premises), drive-through restaurants, and formula restaurants required by contract or other arrangement to offer standardized menus, ingredients, and fast-food preparation.

Feasible

Capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social and technological factors.

FEMA

Federal Emergency Management Agency

Fence

Any structural device forming a physical barrier by means of hedge, wood, metal, chain, brick, stake, plastic or other similar materials.

Fire Hydrant

An appliance meeting City standards and approved by the fire department having jurisdiction that has the suppression of fires as its primary function.

Flat Roof

Flat Roof shall mean a roof which is horizontal without a sloping, pitched, or mansard portion above.

Flood Boundary and Floodway Map

The official map on which FEMA or the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

Flood Hazard Area

An area having special flood, mudslide (i.e., mud flow) and/or flood-related erosion hazards, as shown on a Sectional District Map, Flood Insurance Rate Map (FIRM) or Flood boundary and Floodway Map. The following categories may be referenced as flood hazard areas.

Area of Shallow Flooding: A designated AO, AH, or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

Area of Special Flood Hazard: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Area of Special Flood Related Erosion Hazard: The area subject to severe flood related erosion losses. The area is designated as Zone E on the FIRM.

Flood Insurance Rate Map, Flood Boundary, and Floodway Map

The official maps on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

Flood Insurance Study

The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the boundaries and the water surface elevations of the base floods.

Floodplain

The land area adjacent to a watercourse, and/or other land areas susceptible to being inundated by water from any source (see definition of "Flood or Flooding").

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power.

The term describes such state or local regulations in any combination thereof, which provides standards for the purpose of flood damage prevention and reduction.

Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Related Erosion

The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining, caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water unanticipated force of nature, such as a flash flood or by an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Floodway

The channel of a river or other watercourse and that part of the floodplain reasonably required to discharge the design flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the floodplain.

Floor Area (Gross)

The total enclosed area of all floors of a building measured to the inside face of the exterior walls including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than seven (7) feet, but excluding area used exclusively for vehicle parking or loading.

Floor Area (Net)

The total building floor area excluding garages, hallways, lobbies, elevators and other common spaces.

Floor Area Ratio (FAR)

The numerical value obtained by dividing the above ground gross floor area of a building or buildings located on a lot or parcel of land by the total area of such lot or parcel of land.

Freeway

A divided arterial highway for through traffic with full control of access and with grade separations at intersections.

Freeway Building Frontage

A building wall parallel or nearly parallel to an adjacent freeway.

Freeway Lot Frontage

A property line adjacent to a freeway right-of-way.

Front Footage of Building Occupancy

The single lineal dimension measured at the ground floor along the building frontage that defines the limits of the particular occupancy at that location.

Frontage (Building)

The side or face of the building that is parallel to or is at an angle of 45 degrees or less to a public street or a public parking area.

Frontage Road

A minor street which is parallel to, and adjacent to an arterial street or freeway, and which provides access to abutting properties and protection from through and fast traffic.

Frontage (Street or Highway)

That portion of a lot or parcel of land that borders and has access to a public street, highway or parkway. The frontage shall be measured along the common lot line separating the lot or parcel of land from the public street, highway or parkway.

Fruit/Vegetable Stand

Temporary structure used for the sale of cultivated fruits and/or vegetables grown on-site.

Garage

A permanently roofed structure with 3 enclosed sides and a garage door which is used for automobile shelter and storage.

Garage (Private)

A detached accessory building or a portion of a main building on the same lot for the parking and temporary storage of vehicles of the occupants of the premises.

Garage (Public)

Any garage other than a private garage.

General Plan

The City General Plan, as adopted by the City Council and subsequently amended.

Grade (Existing)

The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this title.

Groundwater Recharge

The natural process of infiltration and percolation of rainwater from land areas or streams through permeable soils into water-holding rocks that provide underground storage ("aquifers").

Grove

A planting of fruit or nut trees, or other man-made planting of trees without underbrush.

Guest Quarters

Living quarters located on the same premises with the primary dwelling unit or attached to the main portion of the primary dwelling unit for the sole use of persons employed on the premises, members of the family living in the primary dwelling unit, or for temporary use by guests of the family living on the premises. Such quarters shall have no kitchen and shall not be rented or leased or otherwise used as a separate dwelling.

Guest Room

Any rented or leased room which is used or designed to provide sleeping accommodations for one or more guests in apartments, hotels, motels, private clubs, lodges and fraternal organizations. In a suite of rooms, each room that provides access to a common hall or direct access to the outside area shall be considered as one guest room.

Harmful Matter

As defined in accord with Penal Code § 313(a)(1)(2), means matter which, when taken as a whole, appeals predominately to the prurient interests of the average person and, when applying contemporary statewide standards with respect to what is suitable material for minors, lacks significant literary, artistic, political, educational, or scientific value for minors.

Hazardous Material

Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes.

Height

A vertical dimension measured from existing grade unless otherwise specified.

Herbicide

A chemical used to kill plants (a class of pesticide).

Historic Landmark

Any object designated as an historic landmark by City Council action.

Home Occupations

Any occupation customarily conducted entirely within a dwelling by its inhabitants, the purpose being incidental to the use of the dwelling for dwelling purposes, as provided in Chapter 20.11 of this Title.

Hospital

An institution for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

Hotel

A structure or portion thereof or a group of attached or detached structures containing completely furnished individual guest rooms or suites occupied on a transient basis for compensation.

Household

All those persons, related or unrelated, who occupy a single housing unit (See "Family").

Housing, Dependent

Residential occupancy of a temporary accessory living unit located on the same parcel as the principal unit, which is occupied by one or two adults, who: (1) have reached the age of 60, or (2) are dependents of the residents of the principal unit, or (3) are court-appointed conservatees of a resident of the principal unit. For the purposes of this section, "Dependent" means a related individual who is dependent upon the resident of the principal unit for financial support or health care. An individual will be determined to be a dependent for health care reasons if he or she is considered blind or disabled as defined in Section 1614(a) of Part A of Title XVI of the Social Security Act.

Housing, Group

Multi-residential living facilities, each of which contains group quarters in permanently fixed buildings or those portions thereof, which accommodate or are intended to accommodate Residential Land Use Types.

Housing, Secondary

Residential occupancy of a living unit located on the same parcel as the principal unit. In a commercial land use district, secondary housing, upon obtaining an approved conditional use permit in conjunction with a commercial land use, may be located either above the first floor, or if on the ground floor not on the street frontage. In a residential land use district the provision of section 20.11.200 of this Title shall apply.

Hunting Clubs

See Clubs

Idle

To curtail for a period of one year or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date. (California Public Resources Code, Sec. 2727.1)

Illumination (Direct)

Illumination by means of light that travels directly from its source to the viewer's eye.

Illumination (Indirect)

Illumination by means only of light cast upon an opaque surface from a concealed source.

Improvement

Such street work and utilities to be installed or agreed to be installed, by a subdivider or developer on land to be used for public or private streets, highways, and easements, as are necessary for the general use of the parcel owners and local neighborhood traffic; and drainage and flood control needs as a condition of approval precedent to the approval and acceptance of a final map or issuance of a Certificate of Occupancy. "Improvement" also refers to such other specific improvements or types of improvements, the installation of which, whether by the subdivider or developer, by private or public utilities, or by any other entity approved by the City, or by a combination thereof, is necessary or convenient to ensure conformity to or implementation of the General Plan or any adopted specific plan.

Improvement Standards

The standards for improvements set forth in this and other regulations related to the development of land within the City of Shafter.

Intensive Agricultural Use

Agricultural activities that typically are associated with one or more of the following impacts: strong offensive odors, substantial runoff, large concentrations of animal waste, noise, and/or extensive use of chemical, compost, and/or manure piles.

Kennel (Commercial)

Any kennel maintained for the purpose of boarding, marketing, breeding, raising or training dogs and/or cats over the age of four months for a fee or for sale.

Kennel (Non-Commercial)

Any property where seven or more dogs and/or cats over the age of four months, are kept or maintained for the use and enjoyment of the occupant for non-commercial purposes.

Kiosk

Any Off-Site Subdivision or Business Directional Sign or structure, of four sides or less, typically constructed of 4" by 6" posts upon which Business Directional or Subdivision Signs may be mounted.

Kitchen

A room, or any portion of a room, used for cooking and/or preparation of foods.

Land Project

A subdivision as defined in Section 11000.5 of the Business and Professions Code.

Landscaping

The planting and maintenance of some combination of trees, shrubs, vines, ground covers, flowers or lawns. In addition, the combination of design may include natural features such as rock and stone; and structural features, including, but not limited to, fountains, reflecting pools, art work, screens, walls fences and benches. Organic materials, such as trees shrubs, etc. are referred to as "soft" landscape. Inorganic materials such as stone, masonry products, etc. are referred to as "hard" landscape

Livestock

Domestic or useful animals normally kept or reared on a farm or ranch for work, breeding, fattening, or other purposes including, but not limited to, horses, bovines, sheep, swine, and goats.

Logo

Logo shall mean a trademark or symbol of an organization or business.

Lot

A site or parcel of land under one ownership having frontage upon a street, other than an alley, or a private easement determined by the Community Development Director to be adequate for purposes of access.

Lot (Area)

The horizontal area within the property lines excluding area to be included in future street right-of-way as established by dedication.

Lot (Corner)

A site bounded by two (2) or more adjacent street lines that have an angle of intersection of not more than one hundred thirty five (135) degrees.

Lot (Depth)

The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot (Double Frontage)

An interior lot having frontage on more than one street.

Lot (Flag or Corridor)

A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot (Interior)

A lot other than a corner lot.

Lot (Key)

The first interior lot to the rear of a reversed corner lot.

Lot (Reversed Corner)

A corner lot the side line of which is substantially a continuation of the front property line of the first lot to its rear.

Lot Line

A line of record that divides one lot from another lot or from a public or private street or any other public space.

Lot (Nonconforming)

A lot which when lawfully created or established, complied with the width, depth, and area requirements of the district where located, but which does not conform to the presently existing area or width and depth regulations of the district where located, or

which does not conform to the presently existing requirements of the Subdivision Ordinance governing lot standards.

Lot (Width)

The average horizontal distance between the side lot lines, measured at right angles to the lot depth as a point midway between the front and rear lot lines.

Low or Moderate Income Households

Persons and families whose income does not exceed 100 percent of low income or 120 percent of moderate income of Kern County median income.

Lower Income Households

Persons and families whose income does not exceed 80 percent of Kern County median income, adjusted for family size and revised from time to time.

Mansard Roof

A sloped roof or roof-like facade above and architecturally compatible to a building wall.

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for more than 180 consecutive days.

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

Massage Parlor

Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs. Massage parlors, as referred to in this Title, does not include the following:

1. A medical establishment including professional offices where massage is administered by a physician, surgeon, chiropractor, osteopath, physical therapist, nurse or any other person licensed to practice a healing art under the provisions of the California Business and Professions Code when engaging in such practice within the scope of his or her license, or by an individual acting under the direction and control of any of the aforelisted licensed professionals on the premises of the medical establishment.
2. Hospital, medical clinic, nursing home, sanatorium, or other major medical or mental facility duly licensed under the laws of the State of California.
3. Barbershop or beauty salon where massage is limited to the head, scalp, neck, or back and is administered by barbers or cosmetologists licensed under the laws of the State of California.

4. Any school or institution of higher education including a community or junior college, college or university whose course of study is approved by the State Department of Education or Superintendent of Public Instruction where massage is administered or taught by authorized school employees in conjunction with athletic training programs, training in the healing arts or other school courses.
5. Any athletic club, health club, country club, gymnasium, reducing salon, beauty salon, or similar establishment, where massage is offered as an incidental or accessory service to its primary program of sport, exercise, athletic training, weight reduction or beauty care.

Matter

As defined in accord with Penal Code § 313(b), means any book magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription, or mechanical, chemical, or electrical reproduction or any other articles, equipment, machines, or materials.

Mean Sea Level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mined Lands

The surface, subsurface, and groundwater of an area where surface mining operations will be, are being, or have been conducted. This includes private ways and roads appurtenant to any such land excavations, workings, mining waste, and areas where structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in surface mining operations are located.

Minerals

Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances. These include, but are not limited to, sand, gravel, coal, peat and bituminous rock; but exclude geothermal resources, natural gas and petroleum.

Mineral Exploration

The search for minerals by geological, geophysical, geochemical or other techniques. These include, but are not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quantity of minerals present.

Mining Operations (Surface)

All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to:

- In-place distillation, retorting or leaching.
- Production and disposal of mining waste.
- Prospecting and exploratory activities.

Mining Operator

Any person who is engaged in surface mining operations, who permits others to conduct surface mining operations on his property and who receives a financial benefit therefrom, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

Mining Waste

The residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

Minor

Any person under the age of 18 years.

Minor Change

For purposes of provisions of this Title relating to the subdivision of land only, "minor change" shall mean a modification of an approved tentative map that involves a change of lot lines, lot shape, lot dimensions, street alignment width or grade, grading proposals or other elements that do not change the basic design or improvements required in the approved tentative map and the conditions thereof.

Mobilehome

A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Mobilehome Park

Any area or tract of land where one or more mobilehome spaces are rented or leased or held out for rent or lease to accommodate mobilehomes used for human habitation.

Mobile Recycling Unit

An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A Mobile Recycling Center also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.

Monopole

A structure composed of a single spire used to support communications equipment.

Motel

See "Hotel"

Municipal Code

The Municipal Code of the City, as amended.

New Construction

For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by this community.

Natural Feature

Any tree, plant form, geographical or geological site or feature subject to this Title.

Nonconforming Use

A lawfully established and maintained use which does not conform with the development standards for site area per dwelling unit or density for the district in which the use is located by reason of adoption or amendment of this title, or a lawfully established and maintained use of a structure or land which does not conform with the use regulations for the district in which it is located by reason of adoption or amendment of this Title.

Nuisance

An interference with the enjoyment and use of property.

Object

A material thing of functional, aesthetic, cultural, symbolic, or scientific value.

Occupancy

Each separate use of property conducted on the entire lot or within a building or any portion thereof.

Off-Site Sale

The sale of packaged alcoholic beverages, including beer, wine, and distilled spirits for consumption off the premises where sold.

Off-Street Loading Facilities

A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

Off-Street Parking Facilities

A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

Official Plan Line

A precise line that establishes future rights of way along any portion of an existing or proposed street or highway depicted on a map showing the streets and lot line or lines and the proposed right of way lines, and the distance thereof from the established centerline of the street or highway, or from existing or established property lines.

Oil Field

An area containing a proved subterranean store of petroleum of economic value.

Oil Field (Developed)

Defined area containing equipment for the purpose of extracting subterranean oil deposits that includes but is not limited to derricks, storage facilities, drilling equipment, temporary office and storage buildings.

Oil or Gas Exploration by Scientific Means

The search for natural accumulations of oil and gas by any geological, geophysical, or other suitable means.

On-Site Sale

The sale of alcoholic beverages including beer, wine, and distilled spirits for consumption on the premises where sold.

One Hundred (100) Year Flood

See Base Flood.

Open Space (Usable)

Outdoor space that serves a recreational function or provides visual relief from the building mass, the minimum dimension of which shall be 6 feet excluding required front yards.

Ordinary Maintenance and Repair

Any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same, to its condition prior to the occurrence of such deterioration or damage.

Overburden

The soil, rock or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal by surface mining operations.

Owner of Record

Identification of the property owner record in the office of the Kern County Recorder

Parapet

See Mansard.

Park (private)

A parcel or parcel of land, which is open and available for use only by private ownership, membership, or some other mechanism that precludes use of the park by members of the general public.

Park (public)

A parcel or parcels of land, which is open and available for use by the general public and which serves the active and passive recreational needs of the public.

Parking Facilities

Parking lots and structures.

Parking, Shared

A situation where the same parking spaces can be utilized by two (2) or more different uses due to the differing peak hours of operation of the uses involved.

Parking Space

A readily accessible area, within a structure or surface parking area, exclusive of aisles, driveways, ramps and columns, maintained exclusively for the parking of one vehicle.

Parking Structure

A structure used for the parking of vehicles where parking is accommodated on two (2) or more levels.

Parking (Tandem)

Parking space configuration where two or more parking spaces are lined up one behind the other.

Permitted Use

A land use that is allowed by right in a particular zone or district without approval of a conditional use permit, which meets the performance standards within this Title.

Person

Any individual, firm, association, corporation, organization, partnership; any city, county, district, state; or any department or agency thereof, or other group acting as a unit.

Pitched Roof

Pitched or Gabled Roof shall mean a ridge roof with sloping ends over the building walls.

Place or Erect

The verbs to place or erect shall mean and include to place, construct, erect, re-erect, alter, install, enlarge, move, improve, convert, paint or equip.

Place of Worship Seating Area

The gross floor area of the main assembly hall or auditorium of a place of worship that must be identified for the purpose of calculating parking requirements when fixed seats are not provided. Only the actual seating area (including aisles) shall be counted. The final determination as to what constitutes the "Place of Worship Seating Area" shall be made by the approval body of the City.

Poster

A sign, temporary in nature and usually on paper or cardboard, used to advertise a coming event or attraction.

Pre-Existing

In existence prior to the effective date of the ordinance enacting this Title.

Preservation

The identification, study, protection, restoration, rehabilitation, or acquisition of cultural resources.

Processing Facility

A building or enclosed space used for the collection and processing of recycling materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and manufacturing. Processing Facilities include the following:

- A Light Processing Facility occupies an area of under 45,000 square feet of gross collection, processing and storage area and has up to an average of two (2) outbound truck shipments per day. Light Processing Facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a Certified Processing Facility. A Light Processing Facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
- A Heavy Processing Facility is any processing facility other than a Light Processing Facility.

Project

Any proposal for new or changed use, or for new construction, alteration or enlargement of any structure, that is subject to the provisions of this Title.

Property Line (Front)

The shortest boundary line of a lot that is coterminous with a street line. Boundary lines of a double frontage lot that are coterminous with street lines shall be front property

lines. When the boundary lines of a corner lot, which are coterminous with street lines, are of equal or substantially equal lengths, the front lot line shall be determined by the Community Development Director. In determining the front lot line, the Community Development Director shall take into consideration the character of the improvements in the neighborhood of the lot, the relative impact to abutting property owners from the establishment of either of such boundaries as a front lot line, the character of the building proposed to be constructed and the distance that the buildings are set back from the lot lines of the two streets on which the lot in question abuts.

Property Line (Interior)

A lot line not abutting a street.

Property Line (Rear)

A lot line that is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring rear yard depth.

Property Line (Side)

Any lot line that is not a front lot line nor a rear lot line.

Property Line (Streetside)

A side lot line abutting a street.

Public Access

"Public Access" shall mean:

- A dedication to public use or to the City and constructed to the required width for road purposes.
- A permanent written easement for road purposes to the required width from the State or Federal Government.
- An access road as defined in this Section that has been open to the public without posting for five years or more, provided adequate evidence thereof is submitted to and approved by the City Engineer.

Public Use

A use operated exclusively by a public body, such use having the purpose of serving the public health, safety or general welfare, and including uses such as public schools, parks, playgrounds, hospitals, and administrative and service facilities.

Public Works Director/City Engineer

The Public Works Director/City Engineer of the City, or his/her designee

Qualifying Resident

Any person 62 years of age or older in a project of 150 residential units or fewer or any person 55 years of age or older in a project of greater than 150 residential units.

Quasi-Public Use

A use operated by a private nonprofit educational, religious, recreational, charitable or medical institution, such use having the purpose primarily of serving the general public, and including uses such as churches, private schools, and universities, community, youth and senior citizen recreational facilities, private hospitals, and the like.

Rainy Season

Period of the year that, based on historical data for the region, rain can be expected to occur with some frequency. The rainy season is considered to be October 15 through April 15.

Reclamation

The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines. Mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses, and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

Recreational Vehicle

A motorhome, travel trailer, truck or van camper, tent trailer, camping trailer or trailer-borne recreation equipment with or without motive power, for recreational, travel or emergency purposes. "Recreation vehicle" shall also include boats, boat trailers, and recreational off-road vehicles.

Recreational Vehicle Park

Any area or tract of land where one or more lots are to be rented, leased or held out for rent or lease to owners or users of recreational vehicles or tents used for travel or recreational purposes and which are occupied on a temporary and transient basis.

Recycling Area (Areas for Recycling)

Space allocated for collecting and loading of recyclable materials. Such areas shall have the ability to accommodate receptacles for recyclable materials. Recycling areas shall be accessible and convenient for those who deposit as well as those who collect and load any recyclable materials placed therein.

Recyclable Material

Reusable material, including, but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or construction for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials.

Recycling Facility

A center for the collection and/or processing of recyclable materials. A "Certified Recycling Facility" or "Certified Processor" means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California

Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:

- Collection Facility

A center for the acceptance, by donation, redemption, or purchase, of recyclable materials from the public. Such a facility does not use power-driven processing equipment except as indicated in Section 11.170 of this Title. Collection facilities may include the following:

- Reverse Vending Machine(s).
- A "small collection facility" which occupies an area of not more than five hundred (500) square feet and may include:
 - A mobile unit;
 - Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet;
 - Kiosk type units, which may include permanent structures;
 - Unattended containers placed for the donation of recyclable materials.
- A "large collection facility" which may occupy an area of more than five hundred (500) square feet and may include permanent structures.

- Mobile Recycling Unit

A "mobile recycling unit" means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A mobile recycling center also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.

- Processing Facility

- A building or enclosed space used for the collection and processing of recyclable material. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:

A "light processing facility" occupies an area of under 45,000 square feet of gross collection, processing, and storage area and has up to an average of two (2) outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a Certified Processing Facility. A light processing facility

shall not shred, compact, or bale ferrous other than food and beverage containers.

A "heavy processing facility" is any processing facility other than a light processing facility.

- Reverse Vending Machine(s)

- A "reverse vending machine" is an automated mechanical device which accepts at least one or more types of empty beverage containers, including, but not limited to aluminum cans, glass and plastic bottles, and cartons, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

- A "bulk reverse vending machine" is a reverse vending machine that is larger than fifty (50) square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

Remedy a Violation

To bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damage, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Restaurant, Bona Fide

A place which is regularly used and kept open for the primary purpose of serving meals to guests for compensation and which maintains a minimum of 51 percent of its gross receipts from the sales of meals. For the purpose of verifying compliance with the foregoing sales requirement, the sales receipts, accounting ledgers, and any other business records pertaining to the sales of food and alcohol shall be open for inspection by the Chief of Police or his or her designee during regular business hours of the restaurant upon 72 hours prior written notice.

Room (Habitable)

A room meeting the requirements of this Title for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

Self-service storage facility

A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.

Sign

Any medium for visual communication, including copy, structure and component parts, which is used or intended to be used to attract attention to, identify, or advertise an establishment, product, service, activity or location, or to provide information. This definition shall not include the display of the American flag, State flag, or other similar political entities.

Sign (Accessory)

A sign whose copy refer to the products, facilities, or services available on the premises. Accessory window signs shall include also temporary posters attached to windows or placed within five feet of any window and legible off the site.

Sign (Attraction Board)

A sign capable of supporting copy which is readily changeable, such as a theater marquee, and which refers to products, services or coming events on the premises.

Sign (Banner, Flag, Pennant or Balloon)

A visual display device, with or without copy, which can vary in shape and is normally made of flexible material, such as cloth, paper or plastic.

Sign (Building-Mounted)

A sign affixed to a building, including awnings and windows.

Sign (Business Identification)

A sign whose copy is limited to the name, type of business, and address of a building, business, office, establishment, person, or activity on the premises where the sign is located.

Sign (Cabinet)

A building-mounted sign which consists of a single, internally lighted cabinet with the sign's lettering applied to that face rather than separate letters or figures mounted individually onto a wall or building (e.g. Channel Letters).

Sign (Canopy or Awning)

A sign painted, placed or installed on any awning or canopy.

Sign (Channel Letters)

A sign consisting of individual letters or figures mounted separately on the wall or structure to spell out or otherwise represent a sign's message copy.

Sign (Construction)

A sign containing information pertaining to a future development on a site where the sign is located, including the name of the product, developer, contractor, architect, financing source, future occupants and other information directly related to the development.

Sign (Convenience)

A sign that conveys information such as "restrooms," "no parking," "entrance," or minor business identification for directional purposes, and is designed to be viewed on site by pedestrians and/or motorists.

Sign (Copy)

Any words, letters, numbers, figures, designs or other symbolic representations incorporated onto the face of a sign.

Sign (Directional)

A sign directing motorists or pedestrians to parking or building facilities, or providing similar directional information.

Sign (Directory)

A sign to identify the name of the occupants within a business or residential complex.

Sign (Electronic Message)

A sign having the capacity of presenting variable message displays by projecting an electronically-controlled light pattern against a contrasting background to change messages by electronic process, or by remote control.

Sign (Exempt)

A sign which is designated in Title 20 of the Municipal Code as not subject to certain regulations of said Code.

Sign (Face)

The exterior surface of a sign, exclusive of structural supports, on which is placed the sign copy.

Sign (Freestanding)

A sign supported upon the ground and not attached to any building.

Sign Height (Free-Standing Sign)

The greatest vertical distance between the top of the sign, including any accompanying architectural features of the sign, and the elevation measured at the roadbed of the nearest street.

Sign Height (Wall or Building Mounted Sign)

The distance between the top of the sign panel inserted into or placed on the wall and the roadbed of the nearest street.

Sign (Identification)

A sign whose copy is limited to the name, type of business, and address of a building, business, office, establishment, person, or activity, on the premises where the sign is located.

Sign (Identification, Major)

An identification sign facing the public streets or pedestrian paths providing primary access to the premises identified by the sign.

Sign (Identification, Secondary)

Any identification sign other than a major identification sign.

Sign (Illuminated)

A sign in which a source of light is used in order to make readable the message or attract attention to the sign. This definition shall include internally and externally lighted signs and glowing or radiating signs.

Sign (Monument)

A freestanding sign whose support structure shall be a solid base constructed of a permanent material such as concrete block or brick.

Sign (Nonconforming)

A sign, outdoor advertising structure or display of any character which was lawfully erected or displayed, but which does not conform with standards for location, size, illumination or movement for the district in which it is located by reason of adoption or amendment of this Title.

Sign (Off-Site Advertising Sign)

A sign referring to any person, establishment, merchandise, service, event or entertainment which is not located, sold, produced, manufactured, provided or furnished on the premises upon which the sign is located.

Sign (On-Site)

A sign referring to a person, establishment, merchandise, service, event or entertainment which is located, sold, produced, manufactured, provided or furnished on the premises where the sign is located.

Sign (Pedestrian-Oriented)

A small sign readable primarily from the abutting sidewalk or other walkway, but not generally from the street.

Sign Permit

An entitlement from the City to place, erect, or alter a sign.

Sign (Pole)

A free-standing on-site sign whose support structures consist of bare members only and that have no architectural forms and detailing utilized to hide the steel or wood members used to support the basic sign structure. These signs do not include signs whose support structures consist of decorative timbers or masonry structures.

Sign (Political)

A sign whose text indicates any one or a combination of the following: (a) the name and/or picture of an individual seeking election or appointment to public office; or (b) related to a forthcoming public election, initiative, or referendum.

Sign (Portable)

Any sign designated to be moved easily and which is not permanently affixed to either the ground, structure, or a building.

Sign Program (Planned)

A plan providing coordinated signing for a business or a contiguous group of businesses and utilizing one or more common design elements such as colors, materials, lettering, illumination, sign type, and sign shape.

Sign Review Authority

The entity that has been given the authority by this Title to review and approve or disapprove a sign or Planned Sign Program, or any appeals or variances connected with such signs. The reviewing authorities include the City Council, Planning Commission, and the Planning Director or her/his Designee.

Sign Size or Area

The entire area of the sign face, including non-structural perimeter trim but excluding structures or uprights on which the sign is supported.

Sign (Special Event)

A temporary sign which advertises special events and activities such as grand openings, special sales, charitable events, Christmas trees, fireworks and other commercial and non-commercial events. Such signs are limited to the provisions listed in this Title.

Sign Structure

The structural supports, uprights, and bracing for a sign.

Sign (Subdivision)

An on-site or off-site sign advertising the original sale, leasing, or renting of units within a subdivision.

Sign (Surface Area)

The area of a sign as measured by the smallest geometric form such as a square, rectangle, triangle, or circle, or combination thereof, which will encompass the face of the sign on which the message is displayed.

Sign (Temporary)

A sign utilized to identify a business or other activity for an interim period.

Sign (Under Canopy)

A sign suspended beneath a projecting canopy, walkway cover, awning, ceiling or marquee.

Sign (Window)

Any written representation, emblem, or other figure or similar character painted on or otherwise affixed or oriented to a window.

Significant Feature

The natural or man-made elements embodying style or type of cultural resource, design, or general arrangement and components of an improvement, including but not limited to, the kind, color, and texture of the building materials, and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.

Site

A lot or group of contiguous lots not divided by an alley, street, other right-of-way or city limit that is proposed for development in accord with the provisions of this Title, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Specific Plan

A plan as defined in California Government Code Section 65450.

Stable (Commercial)

A stable for horses, mules or ponies which are rented, used or boarded on a commercial basis for compensation.

State Geologist

The individual holding office as provided in the California Public Resources Code, Section 677, Article 3, Chapter 2, Division 1.

Stealth Facility

Any communications facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles. Stealth facilities are also referred to as concealed antennas.

Stockyard

Enclosure for the holding of cattle, swine, horses and other domestic animals kept for slaughter, market, or shipping.

Story

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. The basement or cellar shall not be considered a story unless the upper surface of the floor above is more than six (6) feet above the average level of the highest and lowest points of the ground surface immediately adjacent to the exterior walls of the building.

Street, Highway, or Public Right-Of-Way

A public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane, court or private easement, providing the primary roadway to and egress from the property abutting thereon.

Street, Arterial

A highway intended to serve through traffic, where access rights are restricted and intersections with other streets or highways may be limited.

Street, Collector

A street which is intended to serve intensive residential land use, multiple family dwellings, or to convey traffic through a subdivision to roads of equal capacity or greater. It may also serve as a cul-de-sac in industrial or commercial use areas but shall not exceed 660 feet in length when so used.

Street, Cul-de-Sac

A road open at one end only, with special provisions for turning around, and the further extension of which is precluded by the land division design.

Street, Expressway

A highway for through traffic to which access from abutting property is restricted and which intersections with other streets or highways shall be limited to approximately one-half mile intervals.

Street, Highway

Highway shall mean roads, streets, boulevards, lanes, courts, places, commons, trails, ways or other rights-of-way or easements used for or laid out and intended for the public passage of vehicles or of vehicles and persons.

Street (Private)

A private reciprocal easement providing the primary roadway to and egress from the property abutting thereon.

Storm, 100-Year Frequency

A storm that will probably be equaled or exceeded on the average of once every 100 years. It does not follow, however, that such a storm will be equaled or exceeded once in every 100-year period, or that, having occurred once, it will not occur again for 100 years. It may occur several times in a 100-year period, but over a sufficient length of time the average is expected to be once in 100 years.

Structure

Anything constructed or erected that requires a location on the ground, including a building or a swimming pool, but not including a fence or a wall used as a fence if the height does not exceed six (6) feet, or access drives or walks.

Structural Alteration

Any change in or alteration to a structure involving a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls, or similar components.

Structure (Main)

A structure housing the principal use of a site or functioning as the principal use.

Structure, Nonconforming

A structure which was lawfully erected, but which does not conform with the standards for yard spaces, height of structures or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this Title.

Subdivider

A person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others except that employees and consultants as such persons or entities, acting in such capacity, are not "subdividers."

Subdivision

The division, by any subdivider, of any unit of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases or agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. As used in this section, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing livestock.

Substantial Change

A revision to an adopted or proposed application or permit which would increase the intensity of site use or project-related traffic, increase the environmental impacts of the development, require a modification of approval findings, or modify conditions of approval specifically imposed by the approving body.

Substantial Improvement

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

- before the improvement or repair is started, or
- if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Swimming Pools and Hot Tubs

Water-filled enclosures having a depth of 18 inches or more used for swimming or recreation.

Tattooing

The act or process of marking or coloring the skin of any person by the insertion of pigment under or in the skin or by the production of scars.

Temporary Use

A use established for a fixed period of time with the intent to discontinue such use upon expiration of the fixed time period.

Tentative Map, Revised

A modification of an approved tentative map wherein the design of the subdivision is substantially changed from the approved tentative map.

Trailer

Any vehicle or structure used for sleeping, living, business, or storage purposes and having no foundation, other than wheels, blocks, skids, jacks, or skirting, and which is, has been, or reasonably may be equipped with wheels or other devices for transportation the structure from place to place.

Trailer (Nonresidential)

Any trailer designed for use as a construction building, temporary office, or the like.

Trailer (Travel)

A vehicle, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8') feet in width.

Tree Expert

A California Registered Professional Forester or an arborist certified by the Western Chapter of the International Society of Arborists.

Truck (Large)

A truck weighing 11,500 pounds or more unloaded.

Use

The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered or enlarged for which either a site or a structure is or may be occupied or maintained.

Used

Arranged, designed, constructed, altered, rented, leased, sold, occupied and intended to be occupied.

Variance

A grant of relief from the requirements of the Municipal Code that permits construction, or use of land, in a manner that would otherwise be prohibited by the Municipal Code as provided in Section 20.2.60 of this Title.

Vehicle

See "Automobile"

Visible

Likely to be noticed by a person of average height walking on a street or sidewalk.

Walkway

Walkway shall mean a sidewalk or other pathway for pedestrian use.

Warehousing

The use of a building or buildings for the storage of goods of any type, when such building or buildings contain more than five hundred (500) square feet of storage space and where no retail operation is conducted.

Warehouse (Mini)

See self-service storage facility

Whip Antenna

An antenna that transmits signals in 360 degrees. Whip antennae are typically cylindrical in shape and are less than 6 inches in diameter and measure up to 18 feet in height. Also called omnidirectional, stick, or pipe antennas.

Wild Animal

Any dangerous or nondomestic animal, including but not limited to mammals, fowl, fish or reptiles.

Wireless Communications Facility

A land use facility supporting antennas and microwaves dishes that sends and/or receives radio frequency signals. Communications facilities include structures or towers, and accessory buildings.

Wholesaling

The selling of any type of goods for purpose of resale.

Yard or Court

An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward or from the floor level of the structure requiring the yard or court upward except as otherwise provided in this Title, including a front yard, side yard, rear yard or court between structures.

Yard (Front)

A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

Yard (Rear)

A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site, except that on a corner lot the rear yard shall extend only to the side yard abutting a street.

Yard (Side)

A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and line parallel thereto on the site, except that the side yard on the street side of a corner lot shall extend to the rear lot line.

Yard (Junk or Salvage)

An area, improved or unimproved in excess of 200 square feet that:

- upon which or in which is stored or kept junk, salvage materials, scrap metals, inoperative vehicles or equipment, or any combination thereof; or

- upon which or in which vehicles or equipment or other property is dismantled or wrecked; or
- upon which or in which salvage materials, inoperative vehicles, equipment or parts therefrom, scrap metals, or any combination thereof is kept for resale.

Materials or equipment kept on any premises for use in the construction of any building on such premises, and materials and equipment customarily used on a farm or ranch, and so situated, shall not be deemed "junk" or "salvage material" within the meaning of this subsection.

Zoning District

Those classifications of land, as included herein and identified on the Zoning Map, which regulate land use and establish standards by which the land may be developed and utilized.

CHAPTER 20.2

PERMITS AND APPROVALS

CHAPTER 20.2

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PERMIT AND APPROVALS

CHAPTER 20.2

PERMITS AND APPROVALS

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20.2.10 **PURPOSE AND INTENT**

These provisions are intended to prescribe the procedure for filing applications for permits, appeals, amendments, and approvals when required or permitted by this Title. These provisions will provide the framework by which applications will be determined to be complete and permitted to be filed.

20.2.20 **DEVELOPMENT REVIEW PROCESS**

This section establishes and explains the processes and procedures that must be followed, and the application types required to be filed, before new land uses or modifications of existing land uses can be legally initiated.

1. The City shall maintain appropriate processes and procedures to ensure that proposed development projects are afforded an adequate and impartial review in accordance with City ordinances, resolutions, policies and standards.
2. Whenever an application that is inconsistent with the General Plan and/or this Title is filed, that inconsistency shall be noted as part of the application. In addition, filing of a zone change to make the original application consistent shall be filed concurrently. The approving authority for the original application may deny the application or approve it, conditioned upon obtaining the necessary change in zoning to eliminate the inconsistency prior to recordation of a final map in the instance of a division of land or prior to filing of any applications for construction permits if a division of land is not involved.

20.2.30 **GENERAL PLAN AMENDMENTS**

1. Purpose and Intent

As conditions within the City change it may, from time to time, become necessary to amend the General Plan to enhance its effectiveness. In addition, State law requires that the General Plan be periodically reviewed and updated. The purpose of this section is to provide a method for amending the General Plan to ensure its continued effectiveness.

2. Authority

The City Council may amend all or part of the General Plan, or any Element thereof. All zone districts, specific plans (for which a development agreement or vesting subdivision or parcel map has not been adopted), and any other plans of the City that are affected by a General Plan amendment, and which by law must be consistent with the General Plan, shall be reviewed and amended concurrently, to ensure consistency between the General Plan and implementing zoning, specific plans, and other plans.

TABLE 2.A
Consistency of City Zone Districts with
General Plan Land Use Designations

	General Plan Land Use Designations												
		AOS	AUR	CF	RA	LR	MR	HR	CPO	CRC	I	RM	PS
Zone Districts	PD	C	C	C	C	C	C	C	C	C	C	C	C
	CF	C	C	C	C	C	C	C	C	C		C	C
	H	C	C	C	C	C	C	C	C	C		C	C
	PE	C	C	C	C	C				C	C	C	C
	DI	C	C	C	C								
	A	C	C		C							C	
	RA				C	C						C	C
	R-1					C							C
	R-2						C	C	C				C
	R-3						C	C	C				C
	DC								C				
	NC								C				
	GC								C	C			
	CRC								C	C	C		
	I										C	C	

"C" denotes that Zone District is consistent with the applicable General Plan Designation

Table 2.A
Consistency of City Zone Districts with
General Plan Land Use Designations
(Cont'd)

General Plan Land Use Designations		Key	
		Zone Districts	
<i>Residential Designations</i>		<i>Special Districts</i>	
RA	Rural Density Residential	PD	Planned Development
LR	Low Density Residential	CF	Community Facilities
MR	Medium Density Residential	H	Airport Approach Height Combining
HR	High Density Residential	DI	Drilling Island
		PE	Petroleum Extraction Combining
<i>Commercial Designations</i>		<i>Residential Districts</i>	
CPO	Commercial and Professional Office	RA	Residential Agricultural
CRC	Community Retail Commercial	R-1	Single Family Residential
		R-2	Light Multiple Family Residential
		R-3	Multiple Family Residential
<i>Industrial Designations</i>		<i>Commercial Districts</i>	
I	Industrial	DC	Downtown Commercial
RM	Resource Management	NC	Neighborhood Commercial
		GC	General Commercial
<i>Public Facilities Designations</i>		<i>Employment Districts</i>	
CF	Community Facility	CRC	Community Retail Commercial
PS	Parks and Schools	I	Industrial
<i>Open Space Designations</i>		<i>Agricultural Districts</i>	
AOS	Agricultural Open Space	A	Agricultural
AUR	Agricultural Urban Reserve		

3. Restriction on Number of Amendments

Elements of the General Plan shall be amended no more frequently than permitted by State law.

4. Initiation of amendments to the General Plan

An amendment to the General Plan or any Element thereof may be initiated by any of the following actions:

- a. A request, made and approved by the City Council;
- b. An application from a property owner or his/her authorized agent, provided that such application involves the development or modification of property located within the area affected by such amendment;
- c. An application from any affected party, provided that such application involves only revisions to the goals, objectives, policies, and implementation programs of the General Plan; or
- d. A request made by the Community Development Director to the City Council subject to approval by the City Council.

5. Authority and Hearings

Authority for approval of General Plan amendments shall be vested in the City Council. The Community Development Director shall forward recommendations to the City Council regarding General Plan amendments. A public hearing before the City Council shall be noticed and held after a recommendation is made by the Community Development Director to approve a proposed General Plan amendment. The City Council may approve, approve with modifications, or disapprove any such proposed amendment.

6. Required Findings

An amendment to the General Plan shall not be approved unless all of the following findings are made:

- a. The proposed amendment is consistent with the goals, objectives, policies, and programs of the General Plan, or the General Plan as revised by the proposed amendment, and will not result in any internal inconsistencies within the General Plan; and
- b. The proposed amendment will not adversely affect the public health, safety, or general welfare; and
- c. The proposed amendment is consistent with the purposes and intent of this Title, unless such amendment proposes to change, supplement, or alter any part of this Title, whereas said amendment must be consistent with all applicable sections including these findings; and
- d. The potential environmental impacts of the proposed amendment are insignificant, have been mitigated, or there are overriding considerations that outweigh the potential impacts.

20.2.40

AMENDMENTS TO ZONE DISTRICTS AND OTHER PROVISIONS

1. Purpose and Intent

This section establishes the procedures for amending zone district regulations and boundaries as well as other provisions of this Title. The amendment process is necessary to provide and ensure consistency between this Title, the General Plan and State law, to increase the effectiveness of this Title, and to improve clarity in implementing General Plan goals, objectives, and policies.

2. Amendments to Zone Districts and Other Provisions.

An amendment to zone districts or other provisions of this Title may be initiated by any of the following actions:

- a. A request made and approved by the City Council;
- b. A request made by the Community Development Director to the City Council subject to approval by the City Council;
- c. An application from a property owner, or his/her authorized agent, provided that such application involves the development or modification of property located within the area affected by such amendment; or
- d. An application from any affected party, provided that such application involves only revisions to the text of this Title and does not require redistricting of properties for which the affected party is not the owner or the authorized representative of the owner.

3. Authority

Authority for approval of amendments to this Title, including amendments to the Official Zoning Map, shall be vested in the City Council. The Community Development Director shall forward recommendations to the City Council regarding such amendments.

City Council Review and Action

- a. A public hearing before the City Council shall be noticed and held within the time limits specified by State law, after an initiated application is deemed complete and after required environmental documentation has been completed. A longer period of time may be prescribed by the City Council in the case of a City initiated amendment.
- b. The City Council shall approve, approve with modifications, or disapprove the proposed amendment.
- c. A City Council action disapproving a proposed amendment, regardless of how such amendment was initiated, shall be final.

4. Required Findings

All of the following findings shall be made prior to adoption any amendment to this Title, including amendments to the official zoning map.

- a. The proposed change of zone or text revision is consistent with the goals, objectives, policies, and programs of the General Plan and is necessary and desirable to implement the provisions of the General Plan; and

- l. Reasonable guarantees of compliance with required conditions, such as a deed restriction or requiring the applicant to furnish security in the form of money or surety bond in the amount fixed by the administering agency.
- m. Requirements for periodical review by the City Council, and such other conditions as the City Council may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety, and welfare, and to enable the City Council to make the findings required by section 20.2.50.6 of this Chapter.

7. Acceptance of Conditions

A conditional use permit shall not become effective for any purpose unless an "Acceptance of Conditions" form has been signed by the applicant and returned to the Community Development Department and no appeal, consistent with the provisions of section 20.2.180 of this Chapter, has been filed with the Community Development Department.

8. Revisions/Modifications

Requests to revise or modify an approved conditional use permit may be requested by the applicant or the City Council.

a. Revisions/Modifications Requested by Applicant.

A revision or modification to an approved conditional use permit including, but not limited to change in conditions, expansions, intensification, location, hours of operation, or change of ownership, may be requested by an applicant. The applicant shall supply necessary information as determined by the Community Development Director to indicate reasons for the requested change. The requested revision or modification shall be processed in the same manner as the original conditional use permit.

b. Review by the City Council.

The City Council may periodically review any conditional use permit to ensure that it is being operated in a manner consistent with conditions of approval or in a manner not detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity. If, after review, the City Council deems that there is sufficient evidence to warrant a full examination, a public hearing date shall be set. At such public hearing, the City Council may modify or revoke the conditional use permit pursuant to the provisions of this Title.

20.2.60

VARIANCES

1. Purpose and Intent

The purpose of a variance is to provide for equity in use of property, and to prevent unnecessary hardships that might result from a strict or literal interpretation and enforcement of certain regulations prescribed by this Title.

2. Authority

The authority to grant a minor variance shall be vested with the Community Development Director. The authority to grant a major variance, as defined herein, shall be vested with the City Council. A variance from the terms of the regulations of this Title shall be granted only when it is demonstrated that the strict application of the zoning regulations deprives such property of privileges enjoyed by other properties in the general vicinity and in the same zone district due to special circumstances applicable to the property in question, including size, shape,

topography, location or surroundings. Consequently, a variance to a zoning regulation prescribed by this Title may be granted with respect to development standards including, but not limited to, walls, fences, screening and landscaping, site area, width and depth, coverage, front, side, and rear yards, height of structures, usable open space, and on-street and off-street parking and loading facilities. In approving a variance, the Community Development Director and City Council may impose reasonable conditions of approval.

3. Minor Variances

a. The Community Development Director may approve requests for minor variances to modify the following requirements of this Title.

- (1) Minor parking lot improvements.
- (2) Up to thirty percent (30%) of parking and loading space requirements, not to exceed two (2) spaces.
- (3) Up to twenty percent (20%) of front yard setback requirements.
- (4) Up to forty percent (40%) of side yard setback requirements, but no closer than three (3) feet from the property line.
- (5) Up to twenty-five (25%) of rear yard setback requirements, but no closer than five (5) feet from the property line.
- (6) Up to ten percent (10%) of area requirements, excluding lot area and dimension requirements.
- (7) Up to ten percent (10%) of the maximum building coverage requirements.
- (8) Up to ten percent (10%) of maximum gross floor area requirements.

4. Major Variances

Any request for a variance other than a minor variance shall be termed a major variance, and shall be reviewed and acted upon by the City Council.

5. Required Findings

The City Council, and/or the Community Development Director, shall make all the following findings in a decision to grant a variance request:

- a. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship not otherwise shared by others within the surrounding area or vicinity; and
- b. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the vicinity and under the same zoning classification; and
- c. That the strict interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the vicinity and under the same zoning classification; and
- d. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and under the same zoning classification; and

- e. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and
 - f. That the granting of the variance is consistent with the objectives and policies of the General Plan and the intent of this Title.
6. Conditions
- Conditions of approval for a variance may include, but shall not be limited to:
- a. Requirements for open spaces, fences, wall, landscaping screening buffers, erosion control measures, and flood control measures including maintenance thereof.
 - b. Requirements for dedications and street improvements;
 - c. Regulation of vehicular ingress and egress and traffic circulation;
 - d. Regulation of hours of operation and such other conditions deemed necessary to ensure compatibility with surrounding land uses to preserve the public health, safety, and welfare.

20.2.70 DEVELOPMENT AGREEMENTS

Development agreements may be entered into and implemented by the City pursuant to the following procedures:

1. Purpose
 - a. The Legislature of the State of California adopted Section 65864 et. seq. of the Government Code, authorizing local governments to enter into development agreements with applicants for development projects. Under appropriate circumstances, development agreements will strengthen the public planning process, encourage private participation in comprehensive planning by providing a greater degree of certainty in that process, reduce the economic costs of development, allow for the orderly planning of public improvements and services and the allocation of costs therefore in order to achieve the maximum utilization of public and private resources in the development process, and assure, to the extent feasible, that appropriate measures to enhance and protect the environment of the City are achieved.
 - b. The objective of such an agreement is to provide assurances that, upon approval of the project, the applicant may proceed with the project in accord with existing policies, rules and regulations, subject to the conditions of approval, thus vesting certain development rights in the property. Development agreements will also ensure that all conditions of approval, including the construction of off-site improvements made necessary by such land developments, will proceed in an orderly and economical fashion to the benefit of the City. The purpose of this Chapter is to establish procedures and requirements for consideration of development agreements by the City consistent with State law.
2. Application Requirements and Forms
 - a. An applicant may propose that the City consider entering into a development agreement pursuant to Article 2.5, Title 7 of the California Government Code commencing with Section 65864, by filing an application with the Community Development Department and demonstrate that the project satisfies the eligibility requirements of this Section. The form of said application shall be provided by the Community Development Director.

b. Applicant

An application may be filed only by the property owner or other person having a legal or equitable interest in the property that is the subject of the development agreement or by that person's authorized agent. The term "applicant" shall also include any successor in interest to the property owner, or successor in interest to any other person having a legal or equitable interest in the property.

c. Eligibility Requirements

The City Council finds that it may be in the City's best interest to enter into a development agreement when construction of the project will be phased over a several year period, is a large-scale development, shall occupy substantial acreage, or in some other way requires long-term certainty on the part of the developer and the City. The City Council reserves the sole right to determine whether a development agreement is appropriate and in the best interest of the City for a specific development project.

3. Proposed Development Agreement

a. Each application shall be accompanied by a proposed development agreement, which shall specify the duration of the agreement, the permitted uses of the property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes.

b. A proposed development agreement may include conditions, terms, restrictions and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions and requirements for subsequent discretionary actions shall not unreasonably prevent development of the land for the uses and to the density or intensity of the development set forth in the agreement. A proposed development agreement may also provide that construction shall be commenced within a specified time, and that the project or any phases thereof be completed within a specified time.

c. A program and standards for periodic review of the development agreement shall be included.

d. Appropriate provisions, acceptable to the City Attorney, providing security for the performance of the developer under the development agreement shall be included.

e. A development agreement shall include all conditions imposed by the City with respect to the development project, including those conditions required as a result of any environmental review prepared under the California Environmental Quality Act. Agreements for special purposes may be adopted covering only certain aspects of the project. Any such special purpose development agreement shall be identified as such.

f. All development agreements shall contain an indemnity and insurance clause, in form and substance acceptable to the City Attorney, requiring the developer to indemnify the City against claims arising out of the development process, provided that such a provision does not violate applicable law or constitute a joint venture, partnership or other participation in the business affairs of the developer by the City.

g. All development agreements, or any part of such development agreements, may be subject to subsequent condemnation proceedings by the City.

Chapter. In addition, if the application is being processed together with the development project, notice of such intention shall be given as required for consideration of the development project.

e. Review Standard

The City Council may recommend use of a development agreement as a method of implementing or providing standards and criteria for any development approval including but not limited to;

- (1) A development approval pursuant to this Title;
- (2) An amendment to the General Plan;
- (3) The formation of an assessment district, benefit district, maintenance district, special benefit district, or any other mechanism for the installation of required on-site and/or off-site improvements; and/or
- (4) Mitigation measures imposed upon a development project after approval of an environmental impact report or mitigated negative declaration in which such mitigation measures have been proposed as a mechanism for eliminating or reducing environmental impacts.

f. Recommendation of the Community Development Director

Following the public hearing, the Community Development Director shall make his/her recommendation in writing to the City Council. The recommendation shall include the Community Development Director's determination as to whether or not the proposed development agreement meets the following criteria:

- (1) It is consistent with the objectives, policies, general land uses, and programs specified in the General Plan and any applicable Specific Plan;
- (2) It is compatible with the uses authorized in, and the regulations prescribed for the zone district in which the real property is or will be located;
- (3) It is in conformity with and will promote public convenience, general welfare and good land use practice;
- (4) It will not be detrimental to the health, safety and general welfare;
- (5) It will not adversely affect the orderly development of property or the preservation of property values; and
- (6) It will promote and encourage the development of the proposed project by providing a greater degree of requisite certainty.

6. Hearing by City Council

a. Adoption by Ordinance

A development agreement is a legislative act, and shall be enacted by ordinance only after a public hearing before the City Council is held pursuant to the procedures described herein. The ordinance shall refer to and incorporate by reference the text of the development agreement.

b. Conduct of Hearing

At the hearing, the City Council shall consider the Community Development Director's recommendation, together with any additional public testimony, and may approve, disapprove, or modify any recommendation of the Community Development Director.

c. Consistency with the General Plan, and any Specific or Policy Plans

Before the City Council may approve a development agreement, it must find that its provisions are consistent with the General Plan and any applicable specific plans or policy plans of the City. If the City Council approves a development agreement in the form recommended by the Community Development Director, without further findings, it shall be deemed to have also adopted the findings of the Community Development Director.

d. Execution of a Development Agreement

If the City Council adopts an ordinance approving a development agreement, the parties thereto shall execute the development agreement within thirty (30) calendar days after adoption of the ordinance, provided, however, that the development agreement shall not become effective until the ordinance authorizing the development agreement also becomes effective. The time for executing the agreement may be extended by the mutual consent of the City Council and the applicant.

e. Recordation

Within ten (10) calendar days after the City enters into a development agreement, the City Clerk shall have the agreement recorded with the Kern County Recorder as required in Government Code Section 65868.5. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Government Code Section 65868, or if the City determines or modifies the agreement as provided in Government Code Section 65865.1 for failure of the applicant to materially comply in good faith with the terms or conditions in the agreement, the City Clerk shall have notice of such action recorded with the Kern County Recorder.

7. Periodic Review

a. The City shall periodically review a development agreement at least once every 12 months after the City enters into a development agreement.

b. Not less than forty-five (45) nor more than sixty (60) calendar days prior to the yearly anniversary of the date a development agreement was entered into, the applicant shall submit evidence to the Community Development Director of the applicant's good faith compliance with the development agreement. Said notification shall be accompanied by a processing fee in such amount as may hereinafter be established by resolution of the City Council.

c. Finding of Compliance

If the Community Development Director finds good faith compliance by the developer with the terms of a development agreement, a certificate of compliance shall be issued, which shall be in recordable form and may be recorded by the developer in the official records. The issuance of a certificate of compliance by the Community Development Director and the expiration of the appeal period hereinafter specified without appeal, or the confirmation by the City Council of the issuance of the certificate on such appeal, shall conclude the review for the applicable period and such determination shall be final.

d. Finding of Noncompliance

If, based on substantial evidence, the Community Development Director finds the developer has not complied in good faith with the terms of a development agreement, the respects in which the developer has failed to comply shall be specified in writing. The Community Development Director shall also specify a reasonable time for the developer to meet the terms of compliance. If such areas of noncompliance are not corrected within the reasonable time limits as prescribed by the Community Development Director, the development agreement shall be subject to cancellation pursuant to provisions herein.

e. Appeal of Determination

Any interested person may file an appeal of the issuance of a certificate of compliance to the City Council within ten days after the certificate's issuance. The developer may also file an appeal to the City Council of a finding of noncompliance by the Community Development Director within ten days after giving notice of such determination. All appeals before the City Council shall be conducted pursuant to the provisions of section 20.2.180 of this Chapter at which time evidence shall be taken and findings thereon made.

f. Referral to the City Council

The Community Development Director may refer any review to be conducted hereunder to the City Council. Such referral shall be made together with a staff report of the Community Development Director's preliminary findings. Upon such referral, the City Council shall conduct a noticed public hearing to determine the good faith compliance by the developer with the terms of the development agreement in accordance with the provisions contained herein, and shall direct the issuance of a certificate of compliance upon a finding of good faith compliance, or make the determination of noncompliance on the basis of substantial evidence.

8. Cancellation or Modification

a. Cancellation or Modification by Mutual Consent

Any development agreement may be canceled or modified by mutual consent of the parties, but only in the manner provided in California Government Code Section 65868. Any proposal to cancel or modify a development agreement shall be heard and determined in accordance with the same procedures specified by this section for approval of a development agreement.

b. If, at any time during the term of a development agreement, the Community Development Director finds, on the basis of substantial evidence, that the developer has not complied in good faith with the terms and conditions of the development agreement, and such noncompliance has not been corrected, the City Council shall conduct a public hearing at which the developer must demonstrate good faith compliance with the terms of the development agreement. The burden of proof of substantial evidence of compliance by the developer is upon the developer. If such compliance cannot be shown, the City Council shall either commence proceedings to cancel the development agreement or recommend new terms and conditions intended to remedy the noncompliance.

c. The City Council shall conduct a noticed hearing, upon the recommendations of the Community Development Director, at which time the developer and any other interested persons shall be entitled to submit such evidence and testimony as may be germane to the issue of the developer's good faith compliance with

the terms of the development agreement. If the City Council finds, based on substantial evidence, noncompliance with the terms and conditions of the development agreement, it may either cancel the development agreement upon giving 60 days notice to the developer or, in its discretion, may allow the development agreement to be continued by imposition of new terms and conditions intended to remedy such noncompliance. The City Council may impose such conditions to the action it takes as it considers necessary to protect the interest of the City. The decision of the City Council shall be final.

- d. In the event that a development agreement should be canceled, or otherwise terminated, unless otherwise agreed all rights of the developer, property owner or successors in interests under the development agreement shall terminate. Any and all benefits, including money or land, received by the City shall be retained by the City. Notwithstanding the above provision, any termination of the development agreement shall not prevent the developer from completing and occupying a building or other improvements authorized pursuant to a valid building permit previously approved by the City or under construction at the time of termination, but the City may take any action permitted by law to prevent, stop, or correct any violation of law occurring during and after construction, and the developer or any tenant shall not occupy any portion of the project or any building not authorized by a previously issued building permit. As used herein, "construction" means work under a valid building permit, and "completing" means completion for beneficial occupancy for developer's use, or if a portion of the project is intended for use by a lessee or tenant, then for such portion. "Completion" means completion except for interior improvements such as partitions, duct and electrical runouts, floor coverings, wall coverings, lighting, furniture, trade fixtures, finished ceilings and other improvements typically constructed by or for tenants of similar buildings. At such time uses shall, to the extent possible, be deemed non-conforming uses, and shall be subject to the non-conforming use provisions of this Title.

9. Miscellaneous Provisions

- a. All development agreements shall be subject to the regulation and requirements of the laws of the State of California; the Constitution of the United States; any codes, statutes, or executive mandates; and any court decision, State or Federal, thereunder. In the event that any such law, code, statute, mandate or decision made or enacted after a development agreement has been entered into prevents or precludes compliance with one or more provisions of the development agreement, such provisions of the development agreement shall be modified or suspended in the manner and pursuant to the procedures specified in the development agreement, as may be necessary to comply with such law, code, statute, mandate, or decision.
- b. A development agreement entails and consists of a separate procedure from other land use planning procedures and shall not take the place of this Title, the General Plan, a conditional use permit, subdivision approval, building permit, or any other City development procedures. If so specified in a development agreement, it shall constitute an approval pursuant to such planning procedures as if separately enacted under other provisions of this Title or other City ordinances; to the extent practicable, public hearings on a proposed development agreement shall be held concurrent with the public hearings on all related land use approvals, and all such approvals shall be made concurrent with the approval of the development agreement.
- c. When approved, a development agreement and any development control maps and all notations, references and regulations that are a part of the development agreement shall be part of the Development Agreement Ordinance. Development control maps include, but are not limited to, regulations intended to carry out any plan respecting location or type of activities; height, bulk, siding or

design of structures; location or design of open areas; and landscaping and other comparable regulations.

- d. This Section and any subsequent development agreement with respect to any development agreement enacted under this Chapter, any provision of such a development agreement that is in conflict with this Title shall be void. Unless otherwise provided by the development agreement, the City's rules, regulations and official policies governing permitted uses of land, governing density, and governing design, improvement and construction standards and specifications applicable to development of the property subject to a development agreement shall be those City rules, regulations and official policies in force at the time of the approval of the development agreement by the City Council provided, however, that the developer is subject to all increases in City imposed fees, dedication requirements, and charges with respect to subsequent applications for development and construction within the property subject to a development agreement.

20.2.80 DESIGN REVIEW

1. Purpose and Intent

- a. Reasonably ensure that construction of new buildings or structures and additions, renovations, and restorations to existing buildings or structures, including residential, institutional, commercial, and industrial development, (referred hereinafter in section 20.2.80 of this Chapter as "development") does not have an adverse aesthetic, health, safety or architecturally related negative impact upon existing adjoining properties, or the City in general.
- b. Ensure appropriate site planning techniques in order to promote future development of adjacent properties by providing for such techniques as reciprocal access, integrated parking, building, and siting.
- c. Minimize the effects of grading by discouraging mass grading to ensure that the natural character of terrain is retained.
- d. Encourage improved drainage from lots directly to a street storm drain, or through public or privately maintained easements.
- e. Encourage the use of a variety of housing styles, split level grading techniques, varied lot sizes, site design densities, varied setbacks, maintenance of views and arrangement, and spacing to reduce impacts on adjacent developed properties.
- f. Encourage the use of energy conservation techniques in all new development.
- g. Assist private and public developments to be more cognizant of public concerns for the aesthetics of development.

2. Projects Requiring Design Review

No building permit for residential or commercial development shall be issued until the proposed development has received, as part of the building permit review process, design review approval pursuant to the provisions of this Chapter.

3. City Council Review

- a. The City Council shall review an application for design review for projects that otherwise require approval by the City Council.

- b. The City Council is authorized to approve or deny applications for design review and to impose reasonable conditions upon such approval, as provided in section 20.2.180 of this Chapter. Conditions may include, but not be limited to, requirements for open space; screening and buffering of adjacent properties; fences and walls; landscaping; installation and maintenance of landscaping and erosion control measures; vehicular ingress and egress; traffic circulation; signs; grading requirements; establishment of development schedules or time limits for performance or completion of improvements; and such other conditions as the City Council may deem necessary to ensure compatibility with surrounding uses; to preserve the public health, safety and welfare; and to enable the City Council to make the findings necessary for approval.
- 4. Project Review Committee (PRC) Review
 - a. The PRC shall review all applications for a building permit, as described in section 20.1.140 of this Title.
 - b. The PRC is authorized to approve or deny applications for design review and to impose reasonable conditions upon such approval, subject to the right of appeal as provided in section 20.2.180 of this Chapter. Conditions may include, but not be limited to, requirements for open space; screening and buffering of adjacent properties; fences and walls; landscaping; installation and maintenance of landscaping and erosion control measures; vehicular ingress and egress; traffic circulation; signs; grading requirements; establishment of development schedules or time limits for performance or completion of improvements; and such other conditions as the PRC may deem necessary to ensure compatibility with surrounding uses; to preserve the public health, safety and welfare; and to enable the PRC to make the findings necessary for approval. The PRC may, at its discretion, refer any design review decision to the City Council.
- 5. Design Criteria (Non-Residential)
 - a. The design and layout of a proposed development shall be consistent with the General Plan, the provisions of this Title, City Design Guidelines, and any adopted architectural criteria for specialized areas such as designated historic districts, theme areas, specific plans, or planned developments.
 - b. New, renovated, or remodeled development shall demonstrate that the following general design criteria have been integrated into the design and layout of the proposed development.
 - (1) Establish an architectural and siting design theme that is compatible with surrounding existing and planned development that includes the following elements.
 - (a) A relationship to prominent design features existing in the immediate area (i.e., trees, land form, key elements of adjacent development, etc.);
 - (b) A relationship to existing structures and neighborhood character. This includes prohibiting any device being or resembling security bars, gates, or other similar security devices from being placed over or on windows or doors on the exterior of any building, or the interior of any building if visible from a public street or public right-of-way; excepting doors and windows on the ground level portion of the rear of a building facing an alley;
 - (c) A relationship to the natural environment (i.e., washes, native vegetation, and community landscaping).

- (2) Design the development to create pleasing transitions to surrounding development by incorporating the following elements:
 - (a) The bulk of new structure(s) relates to the prevailing or planned scale of adjacent development;
 - (b) Setbacks from streets and adjacent properties relate to the scale of the structure and the function of the street and encourage pedestrian scale and uses; and
 - (c) Tall structures are made less imposing by physically stepping them back from the street.
- (3) Respect the identified views and view corridors of existing developments to the greatest extent possible. Where applicable, view corridors oriented toward existing or proposed community amenities, such as parks, open space, or natural features, are to be enhanced.
- (4) Create subtle variations in architectural and landscape components that provide visual interest, but do not create abrupt changes or cause discord in the overall character of the neighborhood.
- (5) Provide appropriate transitions between different projects by providing buffer areas, landscaping, and other similar treatments (e.g., hedges, walls, fences, berms, or landscaped open space).
- (6) Provide a harmonious appearance of the development with the surrounding environment and existing developments based on the compatibility of individual structures rather than one specific style of architecture.
- (7) Avoid uninterrupted fences and walls, unless they are needed for specific screening, safety, or sound attenuation purpose. Where needed, fences or walls shall be required to:
 - (a) Relate to both the site being developed and surrounding developments, open spaces, streets, and pedestrian ways;
 - (b) Respect existing view corridors to the greatest extent possible; and
 - (c) Incorporate landscape elements or changes in materials, color, or texture in order to discourage graffiti, and prevent undue glare, heat, reflection, or aesthetic inconsistencies.
- (8) Incorporate the following lighting concerns into development proposals.
 - (a) Lighting fixtures are to be attractively designed to complement the overall design theme of the project;
 - (b) Lighting shall create a festive atmosphere within commercial areas by outlining buildings, trees, or other architectural features to encourage nighttime use of those areas by pedestrians; and
 - (c) On-site lighting shall create a safe environment, adhering to established crime prevention standards, but shall not result in nuisance levels of light or glare on adjacent properties.
- (9) Architectural plans for development shall be required to incorporate the following building elevation and screening criteria:

- (a) All exterior wall elevations of buildings and screen walls shall have architectural treatments that enhance the appearance of the building or wall;
- (b) Compatible materials and consistent style shall be evident within a development in all exterior elevations; and
- (c) Within multifamily, commercial, office, and mixed use business park developments, trash enclosures, loading areas, mechanical equipment, and outdoor storage areas shall be screened from view from public streets, and from other public views, as appropriate.

6. Residential Subdivision Land Use Design Criteria

It is the intent of the General Plan and the provisions of this Chapter to encourage a variety of residential development types that are innovative in design and compatible with surrounding neighborhoods while being conducive to creating a balanced housing market in the City. The following represents components of design requirements for all residential subdivisions, excepting the exemptions contained in section 20.2.80.6.e. (2) and (3).

- a. Housing within new residential subdivisions should, where possible, be situated with recognizable variations in front and side yard building setbacks.
- b. Residential developments should, where possible, maximize a feeling of openness by orienting road axes to open space areas and areas of visual interest.
- c. The use of roof forms, including shed, gable, and hip roofs, alone or in combination shall be used to achieve a variety of roof lines for houses adjacent to public streets. All such roofs shall be of a concrete tile, approved shake, or an architectural style composition shingle with dimensional variations. All other proposed roofing materials shall be subject to review and approval by the City Building Official.
- d. To reduce architectural massing at street corners and to create congruity where a two-story structure is next to a one-story structure, the incorporation of a one-story element into the two-story structure shall be required when feasible.
- e. The minimum size for construction of a new house in the City shall be 1,100 square feet.
- f. All subdividers/developers shall be required to provide landscaping and an irrigation system for each lot of a residential subdivision prior to receiving a final inspection for any house constructed in that subdivision, as follows:
 - (1) Landscaping and an irrigation system for both the front yard and the street side yard, provided the street side yard is not obscured from sight from an adjacent street by fencing, of each lot shall be provided. Said landscaping shall consist of the following: (1) no less than one 15-gallon-size tree, (2) ten percent (10%) of said yard area shall consist of a landscaped planter, and (3) the remaining portion of said yard area not occupied by a driveway, shall be improved with sod including one (1) six (6) station clock and two (2) one (1) inch valves.
 - (2) Any proposal for an alternative landscaping plan shall be subject to review and approval by the Project Review Committee.
- g. Architectural styles and themes should be compatible with the surrounding environment. However, to assure individuality among projects, each development shall vary its architectural design to avoid monotony and create interest, while remaining compatible with surrounding development.
- h. If custom homes are not proposed, subdividers/developers of residential subdivision tracts shall provide a variety of floor plans and building elevations as depicted in Table 2.B below.

TABLE 2.B
RESIDENTIAL FLOOR PLAN AND
ELEVATIONS GUIDELINES

Number of Single Family Dwellings	Min. No. of Bldng. Footprints (excludes reverse plans)	Min. No. of Elevations per Bldg. Footprint
1-3	1	1
4-8	2	2
9-18	3	2
19-36	3	3
37-60	4	3
61-99	4	3
100+	5	3

*The required number of building elevations may be reduced by one for every two building footprints added to the required minimum number specified in Table 2.B.

- i. Elevations, for the purpose of meeting the requirements of this Chapter, shall mean the treatment of materials, trim, roofs, or other architectural features which are considerably different than the elevations of any other house in the same subdivision as seen from the street upon which it faces. No two identical elevations shall be placed side by side within a subdivision.
- j. Color
 - (1) The use of monochromatic and complementary accent and trim colors is considered to meet the intent of this Chapter.
 - (2) The use of bright or garish colors (i.e., florescent "hot" or "day-glow" colors) shall not be permitted.
 - (3) Using building materials in their natural state, such as brick or stone, is strongly recommended.
 - (4) The use of colors to express individuality and identity within a cohesive and attractive framework is encouraged. Such colors should be in harmony with other colors used in the immediate area.
- k. Agricultural Land Uses

Where portions of a proposed development share a common boundary with existing agricultural properties, the following concepts for transitions and buffers shall be incorporated into the development proposal where feasible.

- (1) Orchards, Vineyards, and Groves: The incorporation of existing orchards, vineyards, and groves into new development as landscaping, or as passive open space, is encouraged, however the following provision shall be met.
- (2) All such trees that are located in a public right-of-way shall be approved for that purpose by the City Engineer/Public Works Director.
- (3) All trees within common areas shall be provided with the assurance of a continued maintenance mechanism, homeowners association, or special landscape district.

20.2.90

TEMPORARY OCCUPANCY PERMIT

1. The Project Review Committee (PRC) shall review and act upon all requests for temporary occupancy permits, or extensions thereof, and the City Council shall review and act upon all requests for temporary land use permits, or extension thereof. The PRC, for temporary occupancy permits, and the City Council, for temporary land use permits, shall approve or conditionally approve any such applications subject to the findings and standard conditions set forth in this Chapter.
2. Those uses subject to a temporary occupancy permit include the following:
 - a. Temporary real estate offices on the site of an approved subdivision where lots, or lots and houses are being offered for sale.
 - b. Model home(s) on any lot within a tentatively approved subdivision consistent with the provisions of Title 16 (Subdivision Ordinance) of the Municipal Code.
 - c. Construction trailers, commercial cargo/storage containers, temporary office buildings, and security personnel offices on construction sites for which a project has been approved and a building permit or grading permit has been issued by the City, subject to the provisions of this Chapter.
 - d. On-site contractor's yard during the construction phase of an approved project for which a building permit or grading permit has been issued.
 - e. Mobilehome or trailer occupied for security purposes during the construction phase of a project.
 - f. Commercial cargo/storage containers ("Containers") may be placed by a temporary occupancy permit in only the GC, CRC, I, and CF zone districts, subject to the following conditions in a manner consistent with the provisions of this Chapter.
 - (1) Said container(s) shall be adequately screened from view from any street, highway, or adjacent property in a manner consistent with the provisions of this Title.
 - (2) In the GC and CF zone districts, one such Container shall be permitted for each seven thousand five hundred (7,500) square feet of property up to a maximum of four (4) such Containers; in the CRC and I zone districts, one such Container shall be permitted for each twenty thousand (20,000) square feet of property up to a maximum of four (4) such Containers.
 - (3) Said Container(s) shall not be placed in a manner that will interfere with any required vehicular parking or maneuvering area(s) designated for the property.
 - (4) In no instance may said Container(s) be placed on a parcel of land other than as an accessory/subordinate use to an existing and permitted primary land use.
 - (5) Any container that has been located on a parcel of land for a period of ten (10) years or more, upon the effective date of this Ordinance, may so remain and shall not be required to comply with the requirements of this Chapter unless a change of occupancy occurs or permits are issued by the City to expand, renovate, or improve the property or any structures on the property. In this instance, the requirements listed in subsections 1 thru 4 above shall apply.

3. Those uses subject to a temporary land use permit include the following:

In only the DC, NC, GC, CRC, I, or CF zone districts, excepting the provisions of section 20.2.90.2.f. above, placement of temporary buildings, commercial cargo/storage containers, trailers, coaches and similar items may be permitted subject to an approved temporary land use permit;
4. Temporary occupancy permits shall first be issued for a period of time not to exceed twelve (12) months. Extensions to such permits may be granted for additional periods of time, each of which shall not exceed twelve (12) months. Temporary occupancy permits shall comply with the procedures, findings and conditions specified by this Title.
 - a. A temporary occupancy permit or a temporary land use permit shall not be extended for a period of time that exceeds five (5) years from the date the temporary occupancy permit or temporary land use permit was first issued.
 - b. The PRC, for a temporary occupancy permit, or the City Council, for a temporary land use permit, may approve such permits or extensions for shorter periods of time and shall approve such permits subject to conditions where required by this Title or where it is determined reasonable and necessary to do so.
 - c. Prior to issuing a temporary occupancy permit or a temporary land use permit for an extension or renewal for the last allowed period of time, the permittee shall submit to and obtain approval by the PRC or the City Council, as applicable, of a plan to replace the subject temporary use with a legally established permanent use.
 - d. A temporary use or structure that does not have a valid and current permit is hereby declared to be a public nuisance, subject to the enforcement provisions of this Title and other applicable laws.
 - e. A change of ownership or operator of a use or structure, subject to a temporary occupancy permit or a temporary land use permit; or a change of structure or modification of the structure or use allowed on a parcel subject to a temporary occupancy permit or a temporary land use permit shall not affect the time periods established by this Chapter to allow such temporary uses or structures.
 - f. When the last period of time allowed for a temporary occupancy permit or a temporary land use permit by this Chapter has lapsed, the temporary occupancy permit or temporary land use permit and any extension thereof shall be considered void and no new or additional temporary occupancy permits or temporary land use permits may be issued or reinstated for the temporary use or structure that was previously permitted.
5. Cancellation of a Temporary Occupancy Permit
 - a. Noncompliance with the conditions set forth in approving the temporary occupancy permit shall be grounds for the Project Review Committee to cancel and void any such temporary occupancy permit.
 - b. The PRC shall give notice of such an action to the permittee. The permittee may appeal such a decision to the City Council by filing an appeal as specified in section 20.2.180 of this Chapter.

20.2.100 SPECIAL EVENT PERMITS

1. Purpose and Intent

A special event permit is intended to allow for the short-term placement of activities on privately or publicly owned property with appropriate regulations so that such activities will be compatible with the surrounding areas.

2. Authority

Authority for approval of special event permits shall be vested with the Project Review Committee.

A special event permit shall not be required for events that occur in theaters, meeting halls, or other permanent public assembly facilities. A special event may be subject to additional permits, other City department approvals, licenses, and inspections as required by this Title or any other applicable laws and regulations.

3. Permitted Special Events

Table 2.C of this Chapter identifies those special events permitted subject to the issuance of a special event permit.

Table 2.C
Special Event Criteria

Permitted Temporary Zones Uses (With a Permitted Special Event Permit)	Zones	Max. No. of Days per Calendar Year	Max. No. of Occurrences per Calendar Year
Non-commercial tent meetings	All districts	10	1
Circus with tent	All commercial and industrial districts	10	1
Commercial carnival, fair, concert, exhibit, festival or similar; outdoors or in temporary enclosures	All commercial and industrial districts	10	2
Non-commercial carnival, fair, concert, exhibit, festival or similar, outdoors or in temporary enclosures	Public schools, parks, church grounds, non-profit organization sites, commercial and industrial districts,	10	2
Commercial and non-commercial holiday sales, such as pumpkin or Christmas tree sales, and incidental sales of Christmas lights, tree stands and decorations, but excluding gift items	All commercial and employment district zones.	30	2
Merchandise sale, outdoors or in mobile or temporary enclosures in conjunction with established businesses	All commercial districts	14	4

4. Criteria for Special Event Permit Issuance

The Project Review Committee shall consider the following criteria in rendering its decision relative to a special event permit application:

- a. The operation of the requested special event at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- b. The proposed site is adequate in size and shape to accommodate the special event without being materially detrimental to the use and enjoyment of other properties located adjacent to and in the vicinity of the site;
- c. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the special event will or could reasonably be expected to generate; and
- d. Adequate temporary parking to accommodate vehicular traffic to be generated by the special event will be available either on site or at alternate locations acceptable to the PRC.

5. Conditions of Approval

In approving an application for a special event permit, the PRC may impose conditions that are deemed necessary to ensure that the permit will be applied in accordance with the criteria outlined above. These conditions may involve any factors affecting the operation of the temporary use or event, and may include, but are not limited to:

- a. Provision of temporary parking facilities, including vehicular ingress and egress;
- b. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination of adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat;
- c. Regulation of temporary buildings, structures, and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
- d. Provision of sanitary and medical facilities;
- e. Provision of solid waste collection and disposal;
- f. Police and fire concerns;
- g. Provision of security and safety measures;
- h. Regulation of signs;
- i. Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested;
- j. Submission of a performance bond or other surety device to assure that any temporary facilities or structures used for the proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former conditions;
- k. Submission of a site plan indicating any information required by this Section;
- l. A requirement that the approval of the requested special event permit is contingent upon compliance with this Title and with other applicable provisions of other ordinances; and
- m. Other conditions that will ensure the operation of the proposed special event in an orderly and efficient manner and in accordance with the intent and purpose of this Section.
- n. Liability insurance of the type and in the amount required by the City's Risk Management Authority

20.2.110 TENANT IMPROVEMENTS

1. Purpose and Intent

The purpose of this section is to provide guidelines for the processing and review of tenant improvements to structures. Any proposed tenant improvement, which in its initial review indicates an increase in land use intensity, e.g., an increase in parking demand, may be subject to additional review as determined by the Building Official.

2. Authority

The Building Official may approve tenant improvements that comply with the requirements, provisions and intentions of this Title.

3. Findings

The Building Official may approve a tenant improvement if all of the following findings can be made:

- a. The improvement is permitted within the applicable district, pursuant to the provisions of this Title, and complies with all of the applicable provisions of this Title.
- b. The site for the proposed use is adequate in size, shape, topography, accessibility and other physical characteristics to accommodate the proposed use and development in a manner compatible with existing and proposed surrounding land uses; and
- c. The improvement will not be detrimental to the public health, safety or welfare, or adversely affect properties and improvements in the vicinity.

20.2.120 NON-CONFORMING USE AND STRUCTURES PROVISIONS

1. Purpose

This section is intended to limit the number and extent of non-conforming uses by regulating their enlargement, reestablishment after abandonment, and the alteration or restoration after destruction of the structures they occupy. In addition, this section is intended to limit the number and extent of non-conforming structures by prohibiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this Title.

2. Applicability

This Section shall apply to any site, structure, or use that was legally established, but does not conform to the provisions of this Title as originally adopted or as may be amended from time to time. "Non-conforming" refers to a legally established site that does not meet the minimum dimensional requirements of the applicable zone, or a legally established use that is not permitted by the applicable zone, a legally established structure that, by its size, architecture or location does not meet the standards of the applicable zone, or any combination thereof.

3. Discontinuation of Non-conforming Use

Whenever a non-conforming use has been discontinued for a continuous period of one hundred eighty (180) days or more, the non-conforming use shall not be re-established, and the use of the structure or site thereafter shall be in conformity with the regulations for the zone district in which it is located, provided that this section shall not apply to the use of a non-conforming single family dwelling located in a zone district that permits single family dwellings. Discontinuation shall include termination of a use regardless of intent to resume the use.

4. Continuation and Maintenance

- a. Any non-conforming structure or use may be continued and maintained for the periods of time hereinafter set forth provided that there are no structural alterations, except as hereinafter provided:
 - (1) Agricultural crops shall not be subject to the provisions of this section;
 - (2) Agricultural uses that involve permanent structures shall be subject to the provisions of this section; however, such uses shall be permitted to make any changes or improvements that are required by any State law or City ordinances, including structural alterations that are necessary as a part thereof.

- b. A structure or use may be maintained for the following periods of time after the effective date of the regulation or ordinance that established it as non-conforming:
 - (1) Commercial and office uses, such as those primarily permitted in commercial and employment districts: thirty (30) years;
 - (2) Industrial uses, such as those primarily permitted within industrial districts, forty (40) years;
 - c. Any structure for which a building permit has been legally issued, and on which substantial construction has been performed in reliance thereon on the site before an amendment to the regulation or ordinance making the use or structure non-conforming, may be continued in accordance with the plans and specifications upon which the permit was issued, subject to the limitations of this section.
 - d. A property containing a legally established structure that does not conform with applicable development standards for front yards, side yards, rear yards, height, floor area of structures, or open space for the district in which the property is located, shall be deemed to be a non-conforming structure, and may be used and maintained as provided herein.
 - e. A legally established sign as provided in Chapter 20.14 of this Title.
 - f. Routine maintenance and repairs may be performed on a non-conforming use, structure, or sign.
5. Alterations and Enlargements of Non-conforming Uses and Structures
- a. A non-conforming use shall not be moved, altered, or enlarged unless required by law, or unless the moving, alteration, or enlargement will result in the elimination of the non-conformity.
 - b. A non-conforming use shall not be enlarged or extended in such a way as to occupy any part of the structure or site or another structure or site that it did not occupy at the time it became a non-conforming use, or in such a way as to displace any conforming use occupying a structure or site.
 - c. A non-conforming structure shall not be altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yard, side yard, rear yard, height of structures, distances between structures, or usable open space prescribed in the regulations for the zone district in which the structure is located.
6. Restoration of a Damaged Structure
- a. Whenever a non-conforming structure is destroyed to the extent of fifty (50) percent or less by fire, calamity, or act of God, the structure may be restored and the non-conforming use may be resumed, provided that restoration is started within one hundred twenty (120) calendar days and diligently pursued to completion. When the destruction exceeds fifty (50) percent, or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the zone district in which it is located, and the non-conforming use shall not be resumed.
 - b. The extent of damage shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be reviewed and approved by the Building Official and shall be

based on the minimum cost of construction in compliance with the most currently adopted City Building Code.

20.2.130 APPLICATION FILING

1. Purpose and Intent

These provisions are intended to prescribe the procedure for filing applications for permits, appeals, amendments, and approvals when required or permitted by this Title.

2. Application Forms

Requests for permits, appeals, amendments, approvals, and other actions required or permitted by this Title shall require that a completed application on a form provided by the Community Development Department be submitted to the Community Development Director in addition to any other materials, reports, dimensions, plans, or other information required to take an action on the application.

3. Determination of Completeness

No application shall be processed pursuant to this Title prior to the determination by the Community Development Director that the application is complete. A completed application shall consist of:

- a. The application form with all applicable information included on, or attached to the form;
- b. The additional information, reports, dimensions drawings and other material specified on the application form;
- c. A description of how the proposed project or requested action is consistent with the goals, objectives, policies, programs, and other provisions of the adopted General Plan;
- d. Any other information or forms required for implementation of the California Environmental Quality Act pursuant to State and City Guidelines.
- e. Payment in full of the required fees for processing the application; and
- f. Other information as may be required on the application form, as prescribed by the Community Development Director.

The Community Development Director shall determine in writing the completeness of the application, and shall transmit this determination to the applicant within the time limits and in such form and content and with respect to such types of project applications as established by applicable State law and City regulation.

The statutory time periods for processing any applications pursuant to this Title, which are subject by State law to such time limits, shall commence upon the date the application is accepted as complete, as provided in the State law relative to review and approval of development projects.

4. Additional Information

Notwithstanding procedures established in this Chapter for determination of completeness, the Community Development Director may request the applicant to submit additional information in the course of processing the application if such information could not have been anticipated as part of the original application. Such a request to clarify, amplify, correct, or otherwise supplement submitted information shall not invalidate the original determination that the application was complete at the time

the determination was originally made. The Community Development Director may request any additional information needed to prepare adequate environmental documentation pursuant to City and State guidelines implementing the California Environmental Quality Act.

5. Fees

The City Council may by resolution or ordinance establish, and from time to time amend, a schedule of fees for permits, appeals, amendments, and approvals required or permitted by this Title to reimburse the City for costs incurred as the result of this administration of the provisions of this Title.

6. Who May File An Application

Unless otherwise specified in this Title, applications for permits and approvals pursuant to Chapter 20.2 of this Title may be made only by the affected property owner or the property owner's authorized agent or representative.

7. Applicant Notification

At the time of filing an application, the Community Development Director shall inform the applicant that he or she may make a written request to receive notice from the City of any proposal to adopt or amend the General Plan, a Specific Plan, Zoning Ordinance, or an ordinance affecting building permits that may affect the application being filed. The applicant shall specify, in writing, the proposed action for which notice is requested. Prior to taking any of those actions, the Community Development Director shall give notice to any applicant who has requested notice of the type of action proposed and whose development proposal is pending before the City if the Community Development Director determines that the proposal is reasonably related to the applicant's pending development request.

8. Consideration of Concurrent Applications

An application which is dependent on approval of a change of zone or other enabling application(s) shall be processed concurrently with such enabling application(s). The approval authority for such dependent application shall be vested with the body authorized to approve the enabling application(s).

9. Environmental Review

No permit or approval shall be granted pursuant to this Title prior to the completion of applicable environmental review as required by City and State guidelines implementing the California Environmental Quality Act.

10. Time Limit for Approving Applications

- a. When required by State law, action shall be taken on projects requiring the preparation and certification of an Environmental Impact Report, within one year of the date the application was accepted as completed.
- b. When required by State law, final action shall be taken on projects that are exempt from the provisions of California Environmental Quality Act or that require the adoption of a Negative Declaration within one hundred five (105) days of the date that the application was accepted as complete.
- c. Extension of the time limit for action on an application, as specified in the above paragraphs, may be granted if mutually agreed upon by the applicant and Community Development Director.

20.2.140 PUBLIC HEARING AND NOTIFICATION PROCEDURES**1. Purpose**

This Section defines procedures for conducting public hearings for applications pursuant to this Title unless otherwise specified in this Title. The purpose of this section is to ensure public awareness and full open public discussion and debate regarding proposed actions pursuant to this Title.

2. Public Hearing Date

Where required by State law, and unless otherwise specified in this Title, a public hearing on any application shall be scheduled before the City Council on the earliest appropriate date.

3. Notice of Hearings**a. Notice of public hearings shall be given as required by law by all of the following methods:**

- (1) Publication in a newspaper of general circulation within the City at least ten (10) calendar days prior to the public hearing;
- (2) Mailing at least ten (10) calendar days prior to the public hearing, to all owners of property within a distance of three hundred (300) feet from the exterior boundaries of the property involved in the application. For this purpose, the last known name and address of each property owner as contained in the records of the latest equalized Kern County Assessor rolls shall be used;
- (3) Mailing at least ten (10) calendar days prior to the public hearing, or delivering at least ten (10) calendar days prior to the public hearing, to each local agency expected to provide essential services or facilities to the project whose ability to provide those facilities and services may be significantly affected;
- (4) Mailing at least ten (10) calendar days prior to the public hearing, or delivering at least ten (10) calendar days prior to the public hearing, to the owner of the subject real property or to the owner's duly authorized agent, and to the project applicant and the applicant's authorized representative, if any;
- (5) Mailing at least ten (10) calendar days prior to the public hearing, to any person who has filed a written request with the Community Development Director and has provided the Community Development Director with a self-addressed stamped envelope for that purpose.
- (6) Any other means prescribed by law, or desired by the City.

b. Exceptions

- (1) If the number of owners to whom notice is to be mailed or delivered pursuant to Paragraph 2 above, herein, is greater than one thousand (1,000), in lieu of mailed or delivered notice may be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the City at least ten (10) days prior to the hearing.
- (2) For a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, such notice shall also be given, as required by law, by mail to each tenant of

the subject property and, in addition to notice of the time and place of the public hearing, shall include notification of the tenant's right to appear and the right to be heard.

- c. The Community Development Director may require that additional notice of the hearing be given in any other manner he deems necessary or desirable to ensure that all notice requirements provided by law for the proposal are complied with.
- d. All notices of public hearings shall include a description of the project and the identity of the hearing body or officer(s), shall describe the property, the date, time and place of the scheduled hearing, a statement that application and associated documents and environmental review are available for public inspection at a specified location, and the manner in which additional information and/or testimony may be received.

4. Conduct of Public Hearings

- a. Public hearings held pursuant to the provisions of this Title shall be held according to such public hearing rules as the City Council may, from time to time, adopt by resolution or ordinance.
- b. The Mayor may require that witnesses be sworn, prior to providing testimony at the City Council public hearing, respectively.

20.2.150 APPROVAL TO EXTEND WITH LAND

Unless otherwise specified, all permits and approvals granted pursuant to this Title shall run with the land, and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

20.2.160 EFFECTIVE DATE OF DECISION

A decision that is subject to appeal shall not become effective for ten (10) calendar days following the action by the appropriate decision making body in order to allow time for the filing of an appeal of the decision.

20.2.170 LAPSE OF APPROVALS AND EXTENSIONS OF TIME

1. Projects Not Subject to the Subdivision Map Act and/or Not Involving City Building Permits.

Approvals for projects not subject to the Subdivision Map Act and/or not involving City building permits shall lapse and become void twelve (12) months from the approval date, unless otherwise specified in this Title, unless a different expiration date is specifically established as a condition of approval to the extent permitted by law, unless a valid building permit is in effect in reliance upon the approved entitlement and substantial construction has commenced and is diligently pursued toward completion, or unless the property has been occupied and the approved use fully commenced.

2. Extension of Time

- a. Authority

An extension of time may be granted for projects approved under this Title, where substantial construction has not yet commenced or has not yet been completed or where the property has not yet been occupied and the approved use not fully commenced. Approvals for extension of time may only be granted by the original approving authority.

b. Submittal of Extension Requests

- (1) Extension requests for projects not subject to the Subdivision Map Act and/or not involving City building permits shall only be considered if filed with the Community Development Department no less than thirty (30) calendar days nor more than ninety (90) calendar days prior to the expiration date of the permit or approval.
- (2) A subdivider may request an extension for projects subject to the Subdivision Map Act by written application to the Community Development Director in accordance with the provisions of the Subdivision Map Act and Title 16 of the Municipal Code.

c. Time Limits on Extensions

Extensions may not exceed a total of three (3) years from the original date of expiration unless otherwise provided by law; and may be for shorter periods of time.

d. Circumstances Under Which Extensions May Be Granted

An extension of the approval of a project may be granted only if it is found that granting of an extension will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

20.2.180 APPEALS

1. Appeal of Action

- a. Any person may appeal a decision of the Community Development Director to the City Council where the Community Development Director's decision would otherwise be final.
- b. Any person may appeal a decision made by the Project Review committee to the City Council where the Project Review Committee decision would otherwise be final.

2. Filing of Appeals

Appeal application forms shall be made available at the office of the Community Development Department to all persons wishing to appeal an action included in this Title. Appeal applications shall be filed with the Community Development Department within ten (10) calendar days following the date of action for which an appeal is made unless otherwise provided in this Title. If the last day to file falls on a holiday or on a Saturday or Sunday, the following business day shall be deemed the last day to act. Appeals shall be forwarded to the City Clerk by the Community Development Director.

3. Appeal Hearings

Public notice of an appeal hearing shall be given in the manner in which the original notice was given. In the case of an appeal of a PRC decision, notice shall be given pursuant to section 20.2.140 of this Chapter.

4. Effective Date of Appealed Actions

Except as otherwise provided for in this Title, an action that has been appealed shall not become effective until a final determination is made by the City Council.

20.2.190 REVOCATION OF PERMITS**1. Purpose and Intent**

In order to protect the public health, safety and welfare, and in order to enforce the provisions of this Title, it may, from time to time, become necessary to revoke a previously authorized approval or approved permit. The purpose of this section is to provide a process for revoking approvals or permits to protect the public health, safety and welfare, as well as the rights to due process of permit holders within the City.

2. Authority

Authority to revoke permits or approvals shall be vested with the City Council where the City Council was the final approving authority in granting the permit or approval. A public hearing pursuant to section 20.2.140 of this Chapter, shall be required for revocation of permits or approvals. Notwithstanding the above, the Building Official shall have the authority to revoke building permits pursuant to the provisions of the Uniform Building Code.

3. Required Findings

A permit or approval subject to revocation pursuant to the provisions of this Section may be revoked by the City Council if any one of the following findings is made:

- a. That the permit or approval was obtained by misrepresentation or fraud;
- b. That the use for which the permit or approval was granted has ceased, and was suspended for six (6) or more consecutive calendar months;
- c. That the conditions of the permit or approval have not been met or the permit or approval granted is being or has been exercised contrary to the terms of the permit or approval or in violation of any statute, ordinance, law, or regulation; or
- d. That the public health, safety and welfare can be served only by revocation.

4. Notification and Time Limits for Correction

- a. The Community Development Director shall notify the holder of the permit or approval in writing of a decision to initiate a pending revocation, shall state specifically the reasons for the proposed revocation, and shall provide a period of thirty (30) calendar days for the holder to correct or show substantial progress toward correcting the defect(s) that serve as the basis for the proposed revocation. In the event said defects are not corrected within thirty (30) calendar days from the date the notice is mailed, or substantial progress is not made during said thirty (30) day period and diligently continued until fully corrected, a public hearing date before the City Council where applicable, shall be set pursuant to the provisions of section 20.2.140 of this Chapter.
- b. In taking action to revoke a permit, the City Council shall have the discretion to set the effective date of the revocation in order to allow the permit holder adequate and appropriate time in which to make necessary corrections.

CHAPTER 20.3**CHAPTER 20.3****SPECIAL DISTRICTS**

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SPECIAL DISTRICTS

CHAPTER 20.3

SPECIAL DISTRICTS

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20.3.10 PLANNED DEVELOPMENT (PD) DISTRICT**1. Purpose and Intent**

- a. The General Plan outlines the goals, objectives and policies establishing the character and location of land uses throughout the City. It is the purpose of this section to establish regulations consistent with Government Code section 65450, which serves to implement General Plan goals, objectives and policies, provide for superior development, and allow a greater degree of design and land use flexibility within the framework of a site specific development plan.
- b. The provisions of this section establish procedures that provide for large-scale, multi-phased residential, commercial or industrial mixed-use developments. These provisions permit the clustering of units, the mixing of land use and building types, and the formulation of specific development standards and design criteria that respond to the particular features or conditions affecting a site.
- c. Applicability

The PD zone district is intended to be applied when:

- (1) The objectives of the General Plan would be more effectively achieved through the design flexibility of a PD zone district, or
- (2) The physical characteristics of a site necessitate restricting conventional development opportunities to preserve a significant amenity or natural feature or mitigate a man-made or natural hazard, or
- (3) It is necessary to ensure land use compatibility and appropriate design by requiring the merging of areas or parcels into a single overall land use plan and site design that might otherwise be developed separately.

2. Use Regulations

- a. Uses within a PD zone district shall be established by a development plan approved for the site.
- b. Uses established by a development plan shall be consistent with the text and land use map of the General Plan and any applicable planned development or specific plan for the project site.
- c. Prior to the approval of a zone change to "Planned Development," the conditions of approval for the development plan, approved in accordance with the provisions of this Title, shall establish the permitted, and the conditionally permitted primary and accessory uses for a planned development project.

3. Application Procedures

An application for change of zone to a PD zone district shall involve the following:

- a. An application for a district change to PD shall be accompanied by a preliminary development plan that addresses all land included with the proposed PD district.
- b. The application for development shall describe all land within that PD district boundary.
- c. The preliminary development plan, required by sections 20.3.10.3.a. and 3.b. above, shall be prepared in accordance with the requirements and information established in sections 20. 3.10.4.a. and 4.b. of this Chapter.
- d. Prior to the formal submission of a planned development application, the project applicant shall meet with the Project Review Committee at a pre-application conference. The pre-application conference is intended to acquaint the applicant with the procedural requirements of this Chapter, provide an opportunity to discuss the proposed development concept and the plan's compatibility with or variance from, any applicable policies, issues, or development regulations.
- e. The application for a change of zone to the PD zone district shall be acted upon by the City Council in a manner consistent with the provisions of section 20.2.40 of this Title.
- f. Upon adoption of the PD district and the accompanying preliminary development plan, further action by the City Council concerning the approval of the PD application (final development plan or tentative tract map) is not required unless specifically requested by the City Council.
- g. Following approval by the City Council of the PD district, a final development plan, prepared in accordance with sections 20.3.10.4.a through 20.3.10.4.d of this Chapter shall be submitted for review and action by the City Council.
 - (1) The City Council shall read the enabling ordinance for the district change to (PD) prior to approval of a final development plan.
 - (2) In the event a PD is carried out in phases and separate final development plans are to be approved for each phase, the City Council shall have read the enabling ordinance for the entire project prior to the approval of the final development plan for the first phase.
 - (3) An application for a final development plan may be for a portion of the land included within the PD or a phase thereof, provided that:
 - (a) Each phase shall function as a complete and separate development from the remaining phases; and
 - (b) Any densities proposed or open space areas provided within the subject phase shall not result from a transfer of density from adjoining phases; and
 - (c) Other improvements that may be necessary to protect public health, safety, and welfare have been required.

4. Preliminary and Final Development Plans Content

- a. The development plan shall function as a development suitability analysis and land use concept plan that achieves the following:
 - (1) Identifies and quantifies the constraints and opportunities for development posed by
 - (a) The physical characteristics of the site;
 - (b) Available public services and facilities;
 - (c) The capacity of the existing circulation system; and
 - (d) The existing and planned land use of adjacent properties.
 - (2) Establishes a list of specific limits, parameters and planning objectives to guide development based on the identified development constraints and opportunities.
 - (3) Describes one or more potential development schemes derived from the limits, parameters, and planning objectives controlling development. Each proposed development scheme shall describe the following:
 - (a) Proposed land uses and approximate distribution of such land uses;
 - (b) Proposed density of residential use;
 - (c) Estimated population;
 - (d) Estimated service demands;
 - (e) The anticipated impact on the existing circulation system;
 - (f) The anticipated impact on adjacent properties; and
 - (g) The relationship of various elements to the General Plan.
- b. The development plan shall function as an overall comprehensive plan of development for the PD zone district that sets forth a written text, maps and/or diagrams, a detailed plan of development based upon the application of the established limits, parameters, and planning objectives controlling development. Said plan shall describe in detail:
 - (1) Proposed land uses and building types, the functional management of such uses and building types and relationship to site, site grading, circulation, lighting, paving, parking, screening, setbacks, recreation and open space areas, and adjacent properties;
 - (2) How the established limits, parameters and planning objectives have been adhered to;
 - (3) The level of public services and facilities required by the proposed development and the program for providing, operating and maintaining such services and facilities;

- (4) Access and circulation requirements;
 - (5) Known man-made and natural hazards and methods for mitigation of such hazards;
 - (6) Significant natural features and areas to be retained for common open space, and provisions for the preservation, conservation, utilization and maintenance of such areas; and
 - (7) How the plan conforms to the objectives of the General Plan and the PD provisions of this Chapter.
 - c. The development plan shall set forth the location and dimensions of all uses and structures in sufficient detail to permit preparation of construction drawings.
 - d. If ambiguity exists as to the specific dimensions or extent of any designated area on the development plan, the specific boundaries shall be set by the filing of a legal description and map of the parcel in question.
5. Findings
 - a. Prior to approving a request for a zone district change to PD, the City Council shall find that all of the following are true:
 - (1) That the proposed plan is consistent with the General Plan and any applicable specific plan.
 - (2) That the physical characteristics of the site have been adequately addressed and that the site is adequate to accommodate all proposed land uses and the general arrangement of such uses.
 - (3) That the plan adequately addresses and reflects all natural and man-made hazards associated with the project site.
 - (4) That the capacity of the circulation system is adequate or can feasibly be improved to accommodate the anticipated requirements of the proposed development.
 - (5) That realistic, feasible methods exist to accommodate the public service and facilities requirements of the proposed development.
 - (6) That the proposed land uses and proposed arrangement of such uses will be compatible with the existing and planned land use character of adjacent properties.
 - (7) That the plan carries out the intent of the PD provisions of this Title.
 - b. Prior to approving an application for a final development plan, the City Council shall make the following findings:
 - (1) That the proposed development is consistent with the General Plan and any applicable community plan or specific plan.

- (2) That the site for the proposed development is adequate in size and shape to accommodate proposed uses and proposed development standards for all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping, and other features.
- (3) That the improvements required by the conditions of approval, and the proposed manner of development, adequately address any natural and man-made hazards affecting the proposed development and the project site.
- (4) That the site for the proposed development has adequate access, i.e., the conditions of the site design and development plan considers the limitations of existing and proposed streets and highways.
- (5) That adequate public services exist, or will be provided in accordance with the conditions of approval, to serve the proposed development; and that approval of the proposed development will not result in a reduction of such public services to properties in the vicinity in a manner that is detrimental to the public health, safety and welfare.
- (6) That the proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use character of adjacent properties.
- (7) The proposed development carries out the intent of the PD provisions of this Title by providing a more efficient use of the land and an excellence of design superior to that which could be achieved through the application of conventional development standards.
- (8) The final plan is in substantial compliance with the approved development plan.

20.3.20**COMMUNITY FACILITIES (CF) DISTRICT****1. Purpose and Intent**

- a. The General Plan outlines the goals, objectives and policies establishing the location and character of public, quasi-public and institutional land uses and activities within the City.
- b. It is the purpose of this section to provide regulations that implement those goals, objectives and policies of the General Plan and to assure the availability and adequacy of lands suitable for future public, quasi public and institutional facilities, uses and activities.

2. Use Regulations

- a. Table 3.A of this Chapter identifies those land uses or activities that may be permitted, or conditionally permitted in the CF zone district, subject to the provisions of this Title and the General Plan. Table 3.A also depicts the permit procedure and the type of approval required by which each listed land use or activity may be permitted in said CF zone district.

Table 3.A
Uses Permitted Within Community Facilities District

Legend

- P Permitted subject to Consistency Assessment
- C Permitted Subject to approval of a Conditional Use Permit

	Condition of Use
A. COMMUNITY FACILITIES USES	
1. Agricultural uses such as grazing, field crops, truck gardening, berry and bush crops, flower gardening, wholesale nurseries when used to buffer airport related uses	P
2. Aircraft associated activities (when associated with an airport operation) including aerial crop dusting and spraying enterprises; aerial fire fighting enterprises; aerial photo and surveying; air carrier, commuter and scheduled air taxi operations; air shows, fly-in events, aircraft wash and wax operations; car rental; flying school or flying club; administrative and classroom facilities; professional offices; hangars and tie-down spaces for aircraft storage or parking; sale of aviation petroleum products; sale, rental or service of aircraft and aircraft parts, avionics, instruments or other aircraft equipment; taxicabs, buses, and other ground transportation facilities.	P
3. Aircraft related manufacture, repair, maintenance, rebuilding, alteration or exchange of aircraft parts.	P
4. Airport, including airfields, helicopter field or port, landing and takeoff runways and taxiways; buildings, improvements and activities primarily related to the operation of an airport facility such as hangars, air passenger terminal buildings, operation tower, fuel storage and refueling facilities, maintenance, security and public safety facilities.	C
5. Air museum	P
6. Ambulance service (includes air ambulance)	P
7. Animal shelters	C
8. Auditoriums	C
9. Cellular and microwave communication facilities	C
10.. Church, synagogue, mosque, temple	C
11. Clubs, lodges fraternities and sororities	P
12. Convalescent homes	C
13. Cultural activity structure or events	C
14. Day nursery, nursery schools, and child care facilities per State law	C

	Condition of Use
15. Educational institutions (including public or private vocational schools)	P
96. Fire and police station	P
17. Fire training facility	P
18. Fireworks stand, subject to Section 20.11.160 of this Title	P
19. Hospitals	C
20. Packaging and packing of products for air transport	P
21. Post offices	P
22. Preparation of chemical fire retardants as required for aerial fire fighting	C
23. Public libraries and museums	P
24. Public parks and recreation facilities (public or private)	P
25. Public utilities, service substations, drainage sumps, reservoirs, pumping plants and similar installations not including public utility offices	P
26. Public utility services offices	P
27. Recreational facilities such as zoos, country clubs, tennis and swim clubs, golf courses, driving ranges, equestrian centers, with incidental limited commercial uses commonly associated and/or directly related to the primary recreational use	C
28. Recreation uses such as parks, golf course and other similar uses involving the open use of land without structures or improvements when used to buffer airport related uses	C
29. Residential care facility	C
30. Recycling facilities; public use transfer station	C
31. Non-Bona Fide Restaurant or food establishment serving alcoholic beverages (refer to sect. 20.11.50)	C
32. Bona-Fide Restaurant or food service not serving alcoholic beverages	P
33. All public buildings and grounds not otherwise mentioned herein	P
B. ACCESSORY USES	
1. Accessory uses and structures located on the same site as a permitted use.	P
2. Other accessory uses and structures located on the same site as a use permitted subject to a CUP	C

	Condition of Use
C. Temporary Uses	
1. Temporary uses (Subject to the provisions of Section 20.2.90 of this Title, and issuance of a temporary land use permit)	P
D. Other uses similar to, and no more objectionable than the uses identified above, subject to the provisions of section 20.1.90 of this Title.	P

3. Development Standards

a. General Requirements

The minimum property development standards for all land, buildings, and structures constructed or placed within the CF zone district shall be equivalent to the requirements of the zone district(s) of adjacent properties. When there is a conflict between adjacent zone districts and the CF zone district, the Project Review Committee (PRC) shall make the final determination as to the applicable development standards to be applied. The decision of the PRC may be appealed to the City Council in accordance with the provisions of Section 20.2.180 of this Title.

b. Special Requirements

- (0) Where off street parking areas are situated such that they are in a visual corridor, as may be defined in a precise plan adopted by the City Council, screening such as a wall or earthen berm two feet in height shall be erected between the street right-of-way and parking areas.
- (1) Except as otherwise permitted, a street side building setback area shall be used only for landscaping, pedestrian walkways, driveways, and off-street parking.
- (2) Except as otherwise permitted, required rear and interior side building setback areas shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, storage of materials (when provided in accordance with the provisions of this Title), recreational activities or facilities, and similar accessory activities.

20.3.30

AIRPORT APPROACH HEIGHT COMBINING (H) DISTRICT

1. Purpose and Intent

The Airport Safety Regulations are established to provide greater safety to both aviators and the general public by establishing requirements for land use compatibility reviews within designated areas depicted in Table 3.B (Delano Municipal Airport Compatibility Measures) of this Chapter.

2. Permitted Uses

Permitted uses in an H district are those uses permitted by the base district with which the H district is combined.

3. Uses Permitted with a conditional use permit

Uses permitted with a conditional use permit in an H district are those conditional uses permitted by the base district with which the H district is combined.

4. Prohibited Uses

Prohibited uses in an H district are those uses prohibited by the base district with which the H district is combined.

5. Minimum Lot Size

Minimum lot size requirements in an H district shall be in compliance with the requirements of the base district with which the H district is combined.

6. Minimum Lot Area per Dwelling Unit

Requirements for minimum lot area per dwelling unit in an H district shall be in compliance with the requirements of the base district with which the H district is combined.

7. Yards and Setbacks

Yard and setback requirements in an H district shall be in compliance with the requirements of the base district with which the H district is combined.

8. Height Limits

The height of structures, trees and other objects, in the H district, shall be no less restrictive than requirements of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration (FAA), Department of Transportation, or of any corresponding rules or regulations of the Federal Aviation Administration, as amended. When there is conflict between the regulations of the FAA and the requirements of the base district with which the H district is combined, the regulations of the FAA shall prevail. When there is no such conflict, the permitted height shall be in accordance with the requirements of the base district with which the H district is combined.

9. Minimum Distance Between Structures

The minimum distance between structures in an H district shall be in compliance with the requirements of the base district with which the H district is combined.

10. Parking

Parking requirements in an H district shall be in compliance with the requirements of Chapter 20.13 of this Title.

11. Signs

Sign requirements in an H district shall be in compliance with the requirements of Chapter 20.14, of this Title.

12. Landscaping

Landscaping requirements in an H district shall be in compliance with the requirements of the base district with which the H district is combined.

13. Location Requirements

- a. The Airport Safety Regulations apply to the Delano Municipal Airport and any future airports that may be established in the City.
- b. The area subject to these Airport Safety Regulations is the "Airport Influence Area" as determined by the Kern County Airport Land Use Compatibility Plan which is reflected in the "Delano Municipal Airport Compatibility Criteria" (refer to Table 3.B) and the "Delano Municipal Airport Compatibility Measures" (Refer to Table 3.C) of this Chapter.

Table 3.B
Delano Airport Compatibility Criteria

Zone	Location ¹	Impact Elements	Maximum Densities		Required Open Land ⁴
			Residential ² (du/ac)	Other Uses (people/ac) ³	
A	Runway Protection Zone or within Building Restriction Line	- High risk - High noise levels	0	10	All Remaining
B1	Approach/Departure Zone and Adjacent to Runway	- Substantial risk — aircraft commonly below 400 ft AGL or within 1,000 ft. of runway - Substantial noise	0.1	60	30%
B2	Extended Approach/Departure Zone	- Significant risk — aircraft commonly below 800 ft AGL - Significant noise	0.5	60	30%
C	Common Traffic Pattern	- Limited risk — aircraft at or below 1,000 ft AGL - Frequent noise intrusion	15	150	15%
D	Other Airport Environs	- Negligible risk - Potential for annoyance from overflights	No Limit	No Limit	No Requirement

Zone	Additional Criteria		Examples	
	Inappropriate Uses ⁵	Other Development Conditions ⁶	Normally Acceptable Uses ⁷	Uses Not Normally Acceptable ¹⁰
A	- All structures except ones with location set by aeronautical function - Assemblages of people - Objects exceeding FAR Part 77 height limits - Hazards to flight⁸	Dedication of avigation easement	- Aircraft tiedown apron - Pastures, field crops, vineyards - Automobile parking	Heavy poles, signs, large trees, etc.
B1 and B2	- Schools, day care centers, libraries - Hospitals, nursing homes - Highly noise-sensitive uses (e.g. amphitheaters) - Storage of highly flammable materials⁷ - Hazards to flight⁸	- Locate structures maximum distance from extended runway centerline - Dedication of avigation easement	- Uses in Zone A - Any agricultural use except ones attracting bird flocks - Warehousing, truck terminals - Two-story offices - Single-family homes on an existing lot	- Residential subdivisions - Intensive retail uses - Intensive manufacturing or food processing uses - Offices with more than two stories - Hotels and motels
C	- Schools - Hospitals, nursing homes - Hazards to flight⁸	Dedication of overflight easement for residential uses	- Uses in Zone B - Parks, playgrounds - Most retail uses - Duplexes and medium-density apartments - Two-story motels	- Large shopping malls - Theaters, auditoriums - Large sports stadiums - Hi-rise office buildings with more than four stories
D	Hazards to flight⁸	Deed notice required for residential development	All except ones hazardous to flight	

Source: Comprehensive Airport Land Use Plan (1996)

Table 3.C
Delano Airport Compatibility Measures

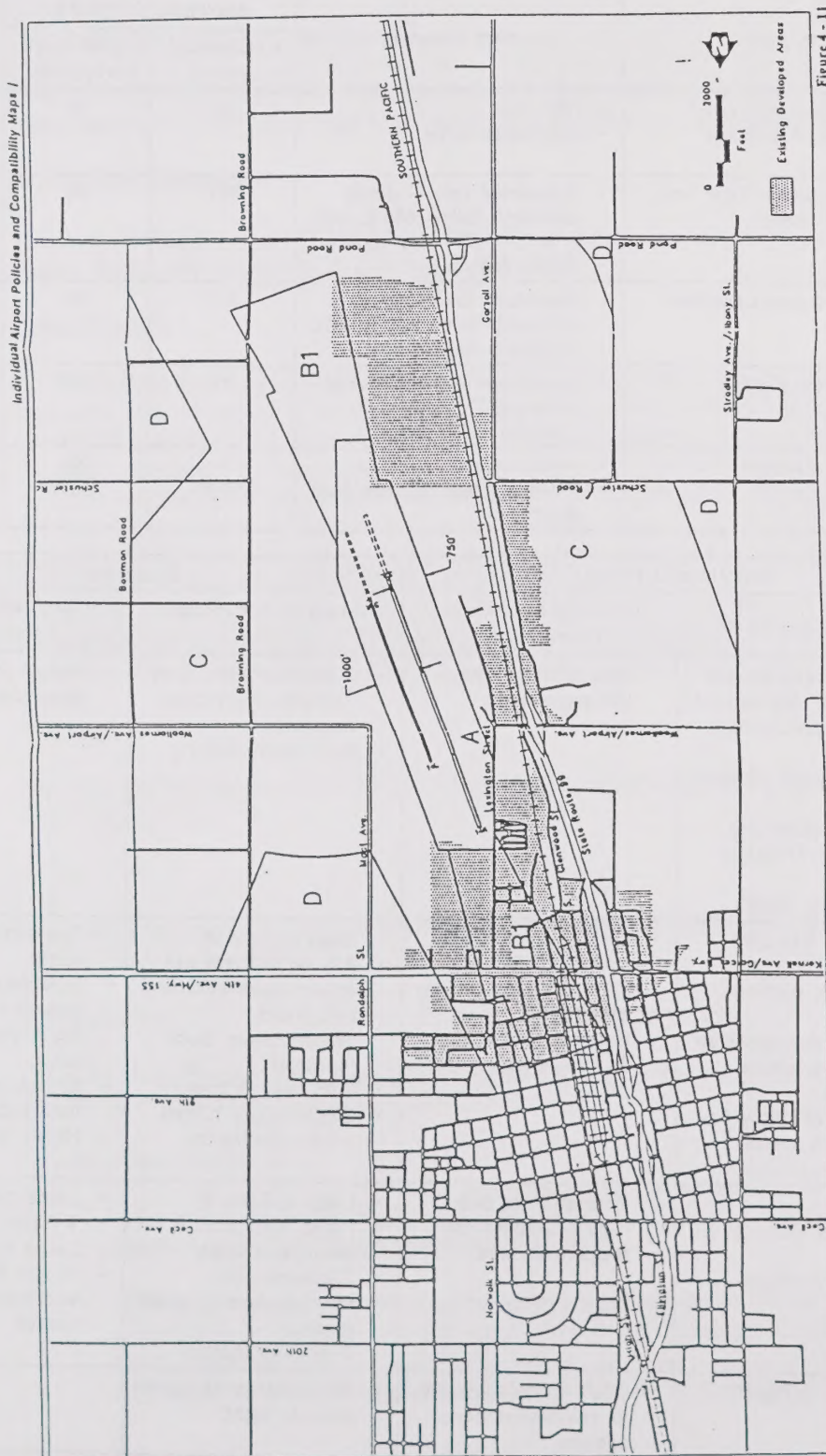


Figure 4-11

Comprehensive Land Use Plan

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Table 3.B (Continued)

NOTES

1. Zones may also apply elsewhere if an airport has atypical operational procedures or specialized aircraft activities.
2. Residential parcels should not contain more than the indicated number of dwelling units per gross acre. Clustering of units is encouraged as a means of meeting the open land requirements applicable to the Kern Airport Land Use compatibility Plan.
3. The land use should not attract more than the indicated number of people per acre at any time. This figure should include all individuals who may be on the property (e.g., employees, customers, visitors, etc.). These densities are intended as general planning guidelines to aid in determining the acceptability of proposed land uses. Special short-term events related to aviation (e.g., air shows), as well as non-aviation special events, are exempt from the maximum density criteria.
4. Open land requirements are intended to be applied with respect to the entire zone. This is accomplished through implementation of the City's General Plan, Zoning Ordinance, and any specific plans that may be applicable.
5. May be modified by airport-specific policies adopted by the City Council.
6. See policy section 3.3 of the Kern Airport Land Use Compatibility Plan.
7. Within the B1 and B2 zones, only the following flammable materials are permitted; aviation fuel, other aviation related materials, and up to 2,000 gallons of non-aviation materials.
8. These conditions do not apply to ministerial actions.
9. These uses typically can be designed to meet the density requirements and other development conditions listed.
10. These uses typically do not meet the density and other development conditions listed. They should be allowed only if a major community objective is served by their location in this zone and no feasible alternative location exists.

-
- (2) In all other cases, the applicable area may include all that area as defined in the Federal Aviation Regulations, Part 77. (FAR Part 77), which depicts imaginary surfaces for "objects affecting navigable airspace", as applicable to the specific FAA approved Airport Layout and Approach Plan, as well as the State of California's "Airport Land Use Planning Handbook." In the event FAR requirements or the State's Handbook change, the most current provisions shall apply.

14. Findings

The Community Development Director shall determine that all of the following are true prior to approving any land use application or issuing any development permit within the Airport Safety Review Areas. If the findings cannot be made, a conditional use permit shall be required. Such conditional use permit shall find that the proposed use will not adversely

affect the safety of persons residing, working or traveling within the review areas or affect the viability of the airport, prior to approval of the project.

- a. The proposed use is consistent with the General Plan, Zoning Ordinance, and the Delano Municipal Airport Master Plan.
- b. The proposed use is consistent with the Kern County Airport Land Use Compatibility Plan.
- c. The proposed use does not involve the storage or dispensing of volatile or otherwise hazardous substances that would endanger aircraft operations and public safety.
- d. The proposed use does not attract a large concentration of birds, produce smoke, generate electrical interference, reflect glare or light, or emit radio transmissions that may endanger aircraft operations.
- e. The proposed use promotes the public interest to provide for the development of the public-use airport and the area around the airport in such a manner, among other things, to comply with the noise standards adopted pursuant to the General Plan and the provisions of section 20.10.180 of this Title and to prevent the creation of new noise and safety hazards.
- f. The proposed use enhances the protection of public health, safety and welfare, by ensuring the orderly expansion of the airport and the adoption of land use measures or development standards that minimize the public's exposure to excessive noise and safety hazards within the area around the airport to the extent that such areas are not already devoted to incompatible uses.
- g. The proposed use will not adversely affect safe air navigation, airport operations, or interfere with airport communications.
- h. The proposed use complies with the development standards specified by this Chapter.

15. Development Standards

When a land use is proposed within an area governed by this Chapter, the following standards and criteria shall apply:

- a. Proposed structures and the normal mature height of any vegetation shall not exceed the height limitations provided by the requirements of Federal Aviation Regulations (FAR), Part 77 or with the requirements of this Chapter. Existing topographic elevations, as compared to the elevation of the centerline of the runway (primary surface), shall be considered in determining the permitted height of an affected structure.
- b. Proposed uses shall be consistent with the General Plan, this Title, The Delano Municipal Airport Master Plan, and the Kern County Airport Land Use Compatibility Plan.
- c. The proposed use or the structure shall not reflect glare, emit electronic interference or produce smoke that would endanger aircraft operations.
- d. All heliports shall be constructed pursuant to FAA Advisory Circular 150/5390-1B.
- e. The provisions of the California Airport Land Use Planning Handbook shall be met.

20.3.40

DRILLING ISLAND (DI) DISTRICT

1. Purpose and Intent

The purpose of the Drilling Island (DI) district is to designate single lots and relatively small areas within the boundaries of final map subdivisions and mobilehome parks that contain productive or potentially productive petroleum resources to promote the development of such resources in a manner compatible with surrounding development. Uses in the DI district are limited to oil and gas exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure, or facilities thereto and compatible open space and recreational uses.

2. Permitted Uses

The following uses and all others determined to be similar to these uses, pursuant to section 20.1.90 (Determination of Similar Use) of this Title, are permitted in the DI district.

- a. Oil or gas exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure, or facilities thereto, pursuant to the provisions of section 20.9.40 (Development Standards and Conditions) of this Title.
- b. Subdivision drainage sump, as part of an application for a tentative tract map, provided that mineral rights owners have given written consent.

3. Uses Permitted with a Conditional Use Permit

The following uses are permitted in the DI district subject to obtaining an approved conditional use permit.

a. Parks

- (1) Any such park shall be "passive" with improvements limited to landscaping, picnic tables and/or barbecue facilities.
- (2) A sign shall be erected, in accordance with the provisions of section 20.14.30 (Sign Standards) of this Title, stating, in essence, that the site is in a DI zone district and is subject to future drilling and production activities.
- (3) The mineral rights owners of the subject property shall be given notification of the application for a conditional use permit in accordance with the provisions of section 20.2.140 (Public Hearing and Notification Procedures) of this Title. Said mineral rights owners shall also be given a copy of the draft environmental documents in accordance with the provisions of Section 6.05 (for a draft Negative Declaration) or Section 7.04 (for a DEIR) of the City's Local Guidelines Implementing the California Environmental Quality Act.

b. Parking lots

- (1) A sign shall be erected, in accordance with the provisions of section 20.14.30 (Sign Standards) of this Title, stating, in essence, that the site is in a DI zone district and is subject to future drilling and production activities.

- (2) The mineral rights owners of the subject property shall be given notification of the application for a conditional use permit in accordance with the provisions of section 20.2.140 (Public Hearing and Notification Procedures) of this Title. Said mineral rights owners shall also be given a copy of the draft environmental documents in accordance with the provisions of Section 6.05 (for a draft Negative Declaration) or Section 7.04 (for a DEIR) of the City's Local Guidelines Implementing the California Environmental Quality Act.

- c. Drainage sump, except for the provision of section 20.3.40.2.b (Permitted Uses) of this Chapter, provided that mineral rights owners have given written consent.

4. Prohibited Uses

All other uses not permitted by sections 20.3.40.2 (Permitted Uses) and 20.3.40.3 (Uses Permitted with a Conditional Use Permit) of this Chapter are prohibited in the DI district.

5. Minimum Lot Size

No portion of any lot within the DI district shall contain less than two and one-half (2 1/2) gross acres in size.

6. Minimum Lot Area Per Dwelling Unit

There is no requirement for minimum lot area per dwelling unit in the DI district. Dwellings are not permitted.

7. Yards and Setbacks

Pursuant to section 20.9.40 (Development Standards and Conditions) of this Title, no oil or gas well shall be drilled within one hundred (100) feet of the right-of-way of any public highway, proposed public highway, Official Plan Line, or Specific Plan Line in the DI District.

8. Height Limits

Height limits in the DI district are as follows:

- a. None on derricks and other equipment used during the exploration and drilling phase of development.
- b. Pumping units shall not exceed thirty-five (35) feet in height.

9. Minimum Distance Between Structures

Minimum distance between structures in the DI district shall be as provided in the requirements of Section 20.9.40 (Development Standards and Conditions) of this Title.

10. Parking

There is no minimum requirement for parking in the DI district; provided, however, all vehicle parking and maneuvering areas shall be treated and maintained with oiled sand or a similar dust binding material.

11. Signs

The following signs are permitted in the DI district in accordance with the requirements of Chapter 20.14 (Sign Regulations) of this Title.

- a. Directional signs, warning signs, and identification signs, not to exceed two (2) square feet each in accordance with the provisions of section 20.14.90 (Public Safety Signs) of this Title.
- b. Temporary real estate signs advertising the property for sale or rent, not to exceed six (6) square feet each, excluding the area of any vertical and/or horizontal support members, in accordance with the requirements of section 20.14.50 (Temporary Signs) of this Title.

12. Special Review Procedures and Development Standards

All drilling and other hydrocarbon development activity in the DI district shall be carried out in accordance with the standards and procedures set forth in section 20.9.40 (Development Standards and Conditions) of this Title.

20.3.50

PETROLEUM EXTRACTION (PE) COMBINING DISTRICT

1. Purpose and Intent

The purpose of the Petroleum Extraction (PE) Combining District is to designate lands containing productive or potentially productive petroleum resources to promote the development of such resources in a manner compatible with surrounding development. The PE district may be applied only to those areas that are zoned Residential Agricultural (RA), Neighborhood Commercial (NC), General Commercial (GC), and Community Retail Commercial (CRC). The uses allowed and the regulations established by the PE district shall be in addition to the regulations of the base district with which the PE district is combined.

2. Permitted Uses

The following uses and all other uses determined to be similar to these uses pursuant to section 20.1.90 (Determination of Similar Use) of this Title are permitted in the PE district.

- a. Wells for the exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure, or facilities thereto, of oil, gas, or other hydrocarbon substances if the well(s) are located more than three hundred (300) feet away from any existing dwelling or existing building utilized for commercial purposes, excluding those premises utilized solely for storage of equipment, material, household goods, or similar material.
- b. Deepening or redrilling, within the existing well bore, of any well used for the production or development of oil, gas, or other hydrocarbon substances, or the replacement of any production facility which did not require a conditional use permit on the date drilling began or the date the facility was installed.
- c. Drilling of a replacement well when the original well did not require a conditional use permit, and when the original well has been abandoned in accordance with California Division of Oil, Gas and Geothermal Resources regulations and drilling of a replacement well commences within one (1) year of the conclusion of abandonment procedures, and the replacement well is located within twenty (20) feet of the original well or is farther from any existing dwelling or commercial building than the original well.

- d. Uses permitted by the base district with which the PE district is combined.

3. Uses Permitted by a Conditional Use Permit

The following uses and all others determined to be similar to these uses, pursuant to section 20.1.90 (Determination of Similar Use) of this Title, are permitted in a PE district subject to securing a conditional use permit in accordance with the provisions of section 20.2.50 (Conditional Use Permits) of this Title.

- a. Wells for the exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure or facilities thereto, of oil, gas, or other hydrocarbon substances if the well(s) are located within three hundred (300) feet of any existing dwelling or existing building utilized for commercial purposes, excluding those premises utilized solely for storage of equipment, material, household goods, or similar material.
- b. Conditional uses permitted by the base district with which the PE district is combined.

4. Prohibited Uses

All other uses not permitted by sections 20.3.50.2 (Permitted Uses) and 20.3.50.3 (Uses Permitted by Conditional Use Permit) of this Chapter, or of uses not permitted in the base district with which the PE district is combined, are prohibited in a PE district.

5. Minimum Lot Size

Minimum lot size is per the requirements of the base district within which the PE district is combined.

6. Minimum Lot Area per Dwelling Unit

Minimum lot area per dwelling unit is per the requirements of the base district with which the PE district is combined.

7. Yards and Setbacks

- a. No oil or gas well shall be drilled within one hundred (100) feet of the right-of-way of any existing or proposed public highway or street, Official Plan Line, or Specific Plan Line.
- b. All other uses permitted by the base district shall conform to the yard and setback requirements of the base district with which the PE district is combined.

8. Height Limits

- a. No height limit on derricks and other equipment used during the exploration and drilling phase of development.
- b. Pumping units shall not exceed thirty-five (35) feet in height.
- c. All other uses permitted by the base district shall conform to the height limits of the base district with which the PE district is combined.

9. Minimum Distance Between Structures

- a. Per the requirements of Chapter 20.9 (Oil and Gas Production) of this Title.
- b. All other uses shall comply with the base district with which the PE district is combined.

10. Parking

- a. No minimum requirement for drilling and production activities; provided, however, that all vehicle parking and maneuvering areas shall be treated and maintained with oiled sand or a similar dust binding material.
- b. All other uses permitted by the base district shall conform to the requirements of the base district with which the PE district is combined.

11. Signs

The following signs are permitted in a PE district in accordance with the requirements of Chapter 20.14 (Sign Regulations) of this Title.

- a. Directional signs, warning signs, and identification signs not to exceed two (2) square feet each in accordance with the provisions of section 20.14.90 (Public Safety Signs) of this Title.
- b. Signs permitted by the base district with which the PE district is combined.

12. Landscaping

Landscaping requirements in a PE district are per the requirements of the base district with which the PE district is combined.

13. Special Review Procedures and Development Standards

All drilling and hydrocarbon development activities in a PE district shall be carried out in accordance with the standards and procedures set forth in section 20.9.40 (Development Standards and Conditions) of this Title.

CHAPTER 20.4

RESIDENTIAL DISTRICTS

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RESIDENTIAL DISTRICTS

CHAPTER 20.4

RESIDENTIAL DISTRICTS

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20.4.10

PURPOSE AND INTENT

The General Plan outlines goals, objectives, and policies regarding the character of residential land uses and development. It is the purpose of this Chapter to provide regulations that implement those goals, objectives and policies that will assure availability of a wide range of residential housing opportunities and dwelling unit types to meet the needs of present and future City residents of all socioeconomic groups.

It is also the intent of this Chapter to ensure adequate light, air, privacy, and open space for each dwelling, minimize traffic congestion, avoid overloading of utilities resulting from the construction of buildings of excessive bulk or number in relation to the surrounding land area, protect residential properties from objectionable noise, illumination, unsightliness, odors, smoke and other deleterious influences; and facilitate the provision of utility services and other public facilities commensurate with anticipated population, dwelling unit densities, and service requirements.

20.4.20

RESIDENTIAL DEVELOPMENT DISTRICTS**1. Residential Agricultural (R-A) District**

The primary purpose of the RA zone district is to provide for and protect a rural atmosphere and lifestyle. This zone district is intended as an area for development of low density, large lot, single family detached residential dwelling units at a maximum allowable density of one-dwelling unit per two and one-half (2½) net acre. This Chapter further establishes development standards, as depicted on Table 4.B, for the RA zone districts depicted on the City Zoning Map.

2. Single Family Residential (R-1) District

The primary purpose of the R-1 zone district is to provide for and protect the atmosphere and lifestyle associated with detached, single family residential neighborhoods. This zone district is intended as an area for detached single family residential small lot developments at a maximum allowable density of five (5) dwelling units per gross acre. The Chapter further establishes minimum development standards, as depicted on Table 4.B, for the R-1 zone districts depicted on the City Zoning Map.

Second dwelling units, in addition to existing primary structures, are permitted within the "R-A" and "R-1" zone districts pursuant to the provisions of section 20.11.200 (Second Dwelling Units) of this Title.

3. Light Multiple-Family Residential (R-2) District

The primary purpose of the R-2 zone district is to provide for a range of housing choices for residents in a more urban setting. The R-2 zone district provides for residential development including small lot single and multiple family detached and attached residential uses at a maximum allowable density of fourteen (14) dwelling units per net acre. This Chapter further establishes minimum development standards, as depicted on Table 4.B, for the R-2 zone districts depicted on the City Zoning Map.

4. Multiple-Family Residential (R-3) District

The primary purpose of the R-3 zone district is to provide for the development of multifamily attached residential dwelling units with enhanced amenities (common open space and recreation areas) at a maximum allowable density of twenty-four (24) dwelling units per net acre. This Chapter further establishes minimum development standards, as depicted on Table 4.B, for the R-3 zone districts depicted on the City Zoning Map.

5. Residential Densities

The actual density that may be attained in a residential district shall be determined by the residential land development review process and public hearings, as described in Chapters 20.1 and 20.2 of this Title. The Community Development Director and/or the City Council shall have the authority to reasonably condition proposed residential development to ensure that appropriate transitions are provided and that the proposed development is compatible with adjacent residential land uses, both existing and proposed.

"Threshold densities" as specified by the General Plan may be exceeded up to the "Maximum Allowable Density" for residentially zone districts, pursuant to the provisions of section 20.10.80.1 (Density Bonuses) of this Title.

20.4.30

USE REGULATIONS FOR RESIDENTIAL DISTRICTS

1. Table 4.A of this Chapter identifies those land uses or activities that may be permitted in each of the residential zone districts, subject to the provisions of this Chapter, other provisions of this Title, and applicable General Plan Policies. Table 4.A also identifies, by zone district, those land uses and activities that are permitted, are permitted subject to an approved conditional use permit, or are prohibited.

2. Special Use Regulations

- a. Animals Within Residential Districts

It is the general intent of the City to permit the keeping of animals within the City without the creation of a nuisance to surrounding residents and visitors. Animals that may be kept within residential districts are identified in section 20.11.40 of this Title. Animals not listed in section 20.11.40 of this Title may be permitted in residential districts subject to City review and confirmation that a nuisance condition will not be created.

In addition to the provisions of section 20.11.40 of this Title, all animals, excluding household pets, shall be kept a minimum distance of fifty (50) feet from any street. The location of corrals, fenced enclosures, barns, stables or other enclosures used to confine all such animals shall also conform to this requirement.

- b. In all residential districts, pools, spas, air conditioners, heating, cooling, sauna, or similar mechanical equipment, as well as lighting or electrical devices, shall be located to minimize impact to the peace, quiet and comfort of neighboring residents and shall be screened, where possible, from surrounding properties and streets. All equipment shall be installed and operated in accordance with Chapter 20.10 of this Title and all other applicable City ordinances, standards, and regulations and shall be subject to approval by the Building Official prior to installation.
 - c. In R-1, R-2 and R-3 zone districts, for development of four (4) or more dwelling units, required front and street side yards shall be landscaped, and shall consist predominantly of drought tolerant plant materials except for necessary walks, drives and fences.
 - d. No portion of any building may protrude into the front setback unless the following conditions are met:
 - (1) Architectural projections, such as porch roofs, awnings, canopies, and roof overhangs, may project over the required front yard setback, but not more than ten percent (10%) thereof.
 - (2) Uncovered porches, platforms, or landing places that do not extend above the level of the first floor of the building may extend into any front yard not more than six (6) feet, an openwork railing not more than thirty (30) inches in height may be installed or constructed on any such porch, platform, or landing place.

**Table 4.A
Uses Permitted Within Residential Districts**

Legend

- Not Permitted or Not Applicable in this District
P Permitted Subject to Consistency Assessment
C Permitted Subject to Approval of a Conditional Use Permit application

USE	R-A	R-1	R-2	R-3
A. RESIDENTIAL USES				
1. Single Family Dwelling				
a. 1 Single Family Dwelling	P	P	P	■
b. 2nd Single Family Dwelling (per section 20.11.200 of this Title)	P	P	■	■
2. Multifamily Dwellings	■	■	P	P
3. Mobilehome Subdivision	C	C	C	C
4. Mobilehome Park	■	C	C	C
5. Boarding/Rooming House (7 or more residents)	■	■	C	C
6. Senior Independent Living	C	C	C	C
7. Board and Care Facility (12 or more residents)	■	■	C	C
8. Senior Congregate Care, Assisted Living	■	C	C	C
9. Convalescent Care	■	C	C	C
10. Bed and Breakfast Inn	C	C	C	C
B. COMMERCIAL USES				
1. Hotels, Motels	■	■	■	C
2. Equestrian Centers, Riding Academies, and Commercial Stables; when associated with an equestrian subdivision.	C	C	■	■
3. Fireworks Stand, subject to the provisions of sect. 20.11.160 of this Title	P	P	P	P
4. Oil & Gas exploration and production	C	C	C	C
5. Parking lots on a parcel adjacent to and for the use of a commercial property where inadequate parking exists.	■	■	C	C
C. PUBLIC/QUASI-PUBLIC USES				
1. Day Care Facilities (per State law)	P	P	P	P
2. Post Office Branch	■	C	C	C
3. Churches	C	C	C	C
4. Clubs, Lodges, Fraternities/Sororities	C	C	C	C
5. Educational Institutions (public and private)	C	C	C	C
6. Fire and Police Stations	C	C	C	C

USE	R-A	R-1	R-2	R-3
7. Public Libraries and Museums	■	■	C	C
8. Public Parks and Recreation, unless project otherwise entails a public hearing, then Permitted.	C	C	C	C
9. Public Utility and Public Service substations, reservoirs, drainage sumps, pumping plants, transmission lines, and similar installations not including public utility offices, unless project otherwise entails a public hearing; then Permitted.	C	C	C	C
10. Recreational Facilities (e.g. country clubs, tennis and swim clubs, golf courses), including limited commercial uses which are commonly associated with and directly related to the primary use	C	C	C	C
D. HOME OCCUPATIONS				
1. Home Occupations (subject to the provisions of Section 20.11.170 and the issuance of a Home Occupation Permit)	P	P	P	P
E. TEMPORARY USES				
1. Temporary Uses (subject to the provisions of section 20.2.90 and issuance of a Temporary Land Use Permit)	P	P	P	P
F. ACCESSORY USES				
1. Accessory uses and structures located on the same site as a permitted use	P	P	P	P
2. Other accessory uses and structures located on the same site as a use permitted subject to a Conditional Use Permit	C	C	C	C
3. Antennas and Satellite Dishes; subject to section 20.11.80 of this Title	P	P	P	P
4. Guest Quarters/Second Unit	P	P	■	■
5. Private Garage	P	P	P	P
6. Private Swimming Pool, Tennis Court	P	P	P	P
7. Recreational Vehicle Storage Yard (Associated with Residential Development)	C	C	C	C
8. Feed and Tack Stores accessory to Commercial Stables	C	■	■	■
9. Dormitories accessory to Educational Institutions	C	C	C	C
G. Other uses similar to, and no more objectionable than the uses identified above, subject to the provisions of Section 20.1.90 of this Title.				

Table 4.B
Residential Site Development Standards

	R-A	R-1	R-2	R-3
1. Maximum density (dwelling units per acre)	0.4	5.0	14.0	24.0
2. Minimum lot area (Net area in sq ft)				
a. interior	108,900	6,000	9,000	12,000
b. corner	108,900	6,500	9,500	12,500
3. Minimum lot width				
a. interior lot	200'	60'	75'	90'
b. corner lot	200"	65'	80'	100'
4. Minimum lot depth	400'	100'	100'	100'
5. Minimum front yard set-back				
a. Lot adjacent to a straight street	40'	25'	20'	20'
b. Cul-de-sac lot or knuckle lot	40'	20'	20'	20'
6. Minimum interior side yard setback				
a. 1 story	25'	5'	5'	5'
b. Any portion of a structure exceeding 1 story	25'	5'	10'	10'
c. Cul-de-sac lot or knuckle lot	25'	5'	5'	5'
7. Minimum street side yard setback:				
a. corner lot	30'	10'	15'	15'
b. reverse corner lot	30'	15'	10'	15'
8. Minimum rear yard setback:				
a. Lot with alley	N/A	5'	5'	5'
b. Lot with no alley	40'	10'	10'	10'
9. Maximum lot coverage	25%	40%	50%	60%
10. Maximum height for buildings and structures	50'	35'	35'	35'
11. Minimum distance between buildings	10'	10'	10'	10'
12. Minimum dwelling unit size (square feet)	1,450	1,100	850	850
For Apts. See Notes below				

Notes:

- * Minimum lot width in RA, R-1, and R-2 zone district along the arc of the front property line shall be 35' for cul-de-sac lots and 40' for knuckle lots.
- * Minimum building setback from the centerline of sub-standard streets shall be 55' for R-1 lots and 65' for RA lots.
- * A one-hour fire wall, approved by the Building Official, reduces the minimum distance between buildings within PD zone to 0' and 5' for all other residential zones
- * Minimum apartment size is (i) studio - 450 sq. ft.; (ii) 1 bedroom - 650 sq. ft.; and (iii) 2-bedroom, - 800 sq. ft. + 120 sq. ft. for each additional bedroom in excess of two.
- * In a R-1 subdivision with 13 or more lots, 20% of the lots can be reduced to 5,000 sq. ft. provided the average lot size for the entire subdivision is 6,000 sq. ft. Said lots shall be a minimum of 50 feet wide for a 5,000 sq. ft. lot.
- * In an R-1 zone district the garage may be placed no less than 20 feet from the front property line and not less than 25 feet from the rear of the adjacent sidewalk.

20.4.40 CONDOMINIUM, TOWNHOUSE, AND APARTMENT DEVELOPMENTS

1. Additional Standards for Condominium, Townhouse, and Apartment Developments
 - a. All condominium and condominium conversion projects shall comply with the provisions of section 20.10.50 (Condominiums and Condominium Conversions) of this Title.
 - b. Any proposal for a condominium conversion shall include a set of original construction plans for the building(s) as part of the initial application for conversion.
 - c. For all condominium conversions, an on-site inspection shall be made by City Building, Engineering, Fire, and Planning staff to determine whether the design criteria set forth in this Chapter has been met. Such inspections shall be made after the initial application but prior to any approval of the primary entitlement.
 - d. Condominium, townhouse, and apartment developments shall comply with the latest City adopted Uniform Building Code, Uniform Mechanical Code, Uniform/International Plumbing Code, National Electrical Code, Uniform Fire Code, and all other applicable codes, ordinances and regulations in effect.
 - e. Within for sale projects, including condominium conversions, separate utility services shall be provided to each dwelling unit.
 - f. When carports are provided for a condominium, townhouse, or apartment development, a minimum of two hundred sixty (260) cubic feet of enclosed storage space shall be required for each carport.
 - g. All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the Building Official to be a source of structural vibration or structure borne noise, shall be shock-mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.
 - h. Where a multiple family dwelling, including incidental or required accessory uses, abuts property in an RA or R-1 zone district, a masonry wall six feet in height shall be required along the property line between such use and the RA or R-1 zone district.
 - i. The City Council may require a greater setback as part of a Precise Plan of Design due to the size, width, or length of a building and its relationship to a street or intersection of two streets. In addition, a greater setback may be required to ensure compatibility with contiguous land uses.
 - (1) In the case of a dwelling structure designed with a patio above the first floor level, such patio shall be permitted to extend only a maximum of six (6) feet into the required side or rear yard setback area, provided the remaining distance between the patio and the property line is at least ten (10) feet.
 - (2) The required side or rear yard setback area may be used for patio purposes.
 - (3) The front yard setback area, as well as the side yard setback area, when adjacent to a street, shall not be used for parking. Vehicular access to designated parking areas for the property shall be limited to driveways, as defined in section 20.13.60.7.b. of this Title.
2. Specific Development Standards
 - a. Parking Requirements
 - (1) Parking for each residential development shall be provided in compliance with Chapter 20.13 of this Title.

- (2) Assigned parking shall be provided within for sale projects, including condominium conversions.
- (3) On-street parking shall not be used to satisfy any of the above parking requirements.
- (4) Tandem parking shall not be permitted.

b. Landscaping

- (1) All required front, side and rear yards, subject to approval by the Community Development Director, shall be landscaped with drought resistant trees, shrubs and ground cover in accordance with the provisions of this Title and shall be completed prior to a Final Inspection or a Certificate of Occupancy.
- (2) All landscaping shall be provided with a permanently maintained irrigation system installed in a manner approved by the Building Official. Said irrigation system shall be operational prior to issuance of a Final Inspection or a Certificate of Occupancy.

c. Open Space

Each residential development shall provide outdoor open space for recreation and leisure activities within the development site in the following manner:

- (1) Outdoor open space shall comprise not less than twenty-five (25%) of the net acreage. Public or private driveways, parking spaces, or other areas designed for operational functions are not considered open space. These open spaces may include game courts or room, swimming pools, gardens, sauna baths, tennis courts, putting greens, play lots, outdoor cooking areas, lawn bowling and setback areas with dimensions greater than fifteen (15) feet. It is the intent of the City to encourage provision of facilities to accommodate children of all ages, wherever appropriate.
- (2) Private patios or balconies attached to individual dwelling units may be computed as required outdoor open space provided the minimum dimension is at least ten (10) feet and the minimum area is one hundred fifty (150) square feet.
- (3) Swimming pools with related deck areas, wading pools, fish ponds, volley ball courts, tennis courts, barbecue areas, game rooms, or other recreational facilities provided for the common uses of all the residents may be constructed within the required outdoor living space; however, such facilities shall not occupy more than fifty percent (50%) of the required outdoor living space.
- (4) Under all conditions, the open spaces created pursuant to the provisions of this chapter shall remain open and available for such use during the life of the development.

d. Private Open Space

Each condominium dwelling unit shall have a minimum private open space of one hundred fifty (150) square feet with a minimum dimension of ten (10) feet. For units designed above the ground units, one or two balconies, with a combined minimum area of one hundred (100) square feet, shall be provided.

e. Pedestrian Circulation

A pedestrian circulation system shall be incorporated into the residential development design for the purpose of providing direct access to and from all individual dwelling units, trash storage areas, parking areas, recreational areas and other outdoor living spaces. The circulation system is subject to review and approval, and shall be developed with a combination of the following development standards:

- (1) A public sidewalk system shall be developed adjacent to all public streets with a minimum width in accordance with City standards.
- (2) The interior walkway system shall include pedestrian walks or paths consisting of varying widths designed to provide curvilinear forms wherever possible. The minimum width of interior pedestrian walks and paths shall be four (4) feet. Walkway systems shall utilize materials such as concrete, brick, flagstone or other materials approved by the City.

f. Security Fencing

Security fencing shall be installed around the perimeter of the site when adjacent to commercial, industrial, and/or single family residential uses. Maximum height shall be six (6) feet except within the required front street or side street setback area where the maximum height shall be forty (40) inches. The design and materials for said security fencing shall be approved by the PRC prior to construction.

g. Laundry Facilities

For-sale projects shall be required to provide laundry facilities for washers and dryers within each residential unit. In the case of apartments, laundry facilities for washers and dryers shall be installed within each residential unit, unless common laundry facilities are provided within each building located within the complex.

h. Lighting

All garages, walkways, and driveways shall be lighted during the hours of darkness as follows:

- (1) Garages. At least one sixty (60) watt light for each two (2) spaces, located inside the garage;
- (2) Walkways from parking areas to dwelling units. One hundred (100) watt light per thirty-five (35) linear feet of walkway;
- (3) Driveways and alleys. One hundred (100) watt light per fifty (50) linear feet of alley or driveway; and
- (4) Fixtures for all lights shall be of the type that are protected from breakage.

i. Trash Collection Areas

Trash collection areas shall be provided within 200 feet of the furthest unit to be served; such collection areas shall be situated to eliminate, insofar as possible, noise and visual intrusion on adjacent property as well as to eliminate fire hazards to adjacent structures. Further, all trash and garbage collection areas, within residential developments, shall comply with the requirements of section 20.10.290 (Screening Requirements) of this Title.

j. Security Devices

Each door providing ingress and egress to any dwelling unit subject to this ordinance shall be equipped with the following devices:

- (1) A peephole allowing a person inside the unit to see, at a wide angle, persons outside of the unit at the door, without the person inside being seen.
- (2) A deadbolt lock attached to the construction studding. Attachment to the doorjamb or trim shall not be sufficient to comply with the terms of this ordinance.

k. Maximum Number and Dimension of Connecting Units

No more than eight (8) units for single story and sixteen (16) units for two story structures may be connected together. Each building may not exceed two hundred (200) feet in any direction.

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COMMERCIAL DISTRICTS

CHAPTER 20.5

COMMERCIAL DISTRICTS

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20.5.10

PURPOSE AND INTENT

1. The General Plan outlines goals, objectives, and policies regarding the character and location of commercial uses and development within the City. It is the purpose of this Chapter to provide regulations which implement those goals, objectives and policies, and which assure the availability of commercial uses within the City. Commercial Districts should be conveniently located, efficient, attractive, and designed in a manner that ensures safe and convenient commercial activity, in order to serve the retail and service commercial needs of City residents and businesses.
2. It is the further intent of the regulations contained in this Chapter:
 - a. To provide appropriately located areas for retail stores, service establishments, and commercial commodities and services required by residents of the City and the surrounding market area;
 - b. To encourage the concentration of commercial and office uses for the convenience of the public, and to secure mutually beneficial relationships to one another;
 - c. To provide adequate space to meet the needs of commercial development, including off-street parking and loading areas;
 - d. To minimize traffic congestion and to avoid the overloading of utilities by regulating the construction of buildings of excessive size relative to the land uses in the City;
 - e. To protect commercial properties from noise, odor, smoke, unsightliness, and other objectionable influences incidental to industrial uses; and
 - f. To promote high standards of site planning, architecture and landscape design for commercial developments within the City.

20.5.20

COMMERCIAL DEVELOPMENT DISTRICTS

1. General Commercial (GC)

The primary purpose of the General Commercial (GC) District is to provide sites for commercial uses that will serve a large segment of the population with a wide variety of retail, wholesale, service, and office uses.

2. Neighborhood Commercial (NC)

The primary purpose of the Neighborhood Commercial (NC) District is to satisfy the daily shopping needs of City residents by providing for a wide range of common retail and personal services in a centralized location. This district encourages the construction of conveniently located neighborhood centers which provide for limited retail and service commercial uses, in a manner which is compatible with the surrounding residential neighborhood.

3. Downtown Commercial (DC)

The General Plan outlines the goals, objectives and policies establishing the character and location of the Downtown Commercial (DC) District. It is the purpose of this section to provide regulations that will implement those goals, objectives and policies that assure the preservation of the character and vitality of the City.

The provisions of this Chapter are intended to ensure that the limited commercial and office related development permitted within the DC District respects the historic significance of the downtown area by requiring that all proposed buildings and structures reflect the downtown's architectural theme and are compatible with the surrounding residential community.

20.5.30

COMMERCIAL USE REGULATIONS

Identified on Table 5.A of this Chapter are those land uses or activities that may be permitted in each of the commercial districts, subject to the provisions of this Title and applicable General Plan policies. Table 5.A also identifies those land uses and activities which are permitted in specified commercial districts, but not in others. This Table also indicates the development procedure and the approval type by which each listed land use or activity may be permitted in each of the commercial zone districts.

Table 5.A
Uses Permitted Within Commercial Districts

Legend

- Not permitted in this district
- P Permitted subject to Consistency Assessment
- C Permitted Subject to approval of a Conditional Use Permit application

USE	GC	NC	DC
A. Office and Related Uses			
1. Administrative and executive offices.	P	P	P
2. Artist and photographic studio, including sale of equipment or supplies.	P	P	P
3. Clerical and professional offices	P	P	P
4. Financial Services and Institutions	P	P	P
5. Medical, dental and related health services for humans, including clinics laboratories, and the sale of articles clearly incidental to services provided.	P	P	P
B. Commercial Uses			
1. Adult Entertainment	■	■	■
2. Agricultural	C	C	C
3. Ambulance Service	C	■	■
4. Antique Shops	P	P	P
5. Apparel Stores (sales)	P	P	P
6. Art, galleries, music, dance studios, photographic studios and supply stores	P	P	P
7. Appliance stores and repair	P	■	P
8. Arcades	C	C	C
9. Auto Supply Store	P	P	P
10. Automotive washing (self or full service)	P	C	■
11. Auction Houses	C	■	■
12. Automotive dealerships subject to section 20.11.100 of this Title	P	■	■
13. Automotive rental agencies (excluding outdoor storage)	P	■	■
14. Automotive rental agencies (including outdoor storage)	C	C	C
15. Automotive-paint and body	C	■	■
16. Automotive and light truck sales/service	P	■	C
17. Automobile repair	C	■	C
18. Bail bond services	P	■	■
19. Bakeries (retail)	P	P	P

USE	GC	NC	DC
B. Commercial Uses (Cont'd)			
20. Barber and beauty shops	P	P	P
21. Bicycle shops (non-motorized)	P	P	P
22. Blueprint and photocopy services	P	■	P
23. Boat and RV (sales only)	C	■	■
24. Book, gifts, and stationary stores	P	P	P
25. Building materials sales/home improvement (indoors)	P	P	P
26. Building materials sales /outdoor storage (masonry, sand, gravel)	C	■	C
27. Camera shops	P	P	P
28. Candle shops	P	P	P
29. Candy stores and confectioneries	P	P	P
30. Catering establishments	P	P	P
31. Cemetery (Human)	■	■	■
32. Cleaning and pressing establishments	P	P	P
33. Clothing and Costume Rental	P	P	P
34. Cocktail lounge/bar, including upgrading an existing ABC license (e.g. Beer and Wine to a hard liquor license) Refer to section 20.11.50 of this Title	C	■	C
35. Communication and Telecommunication Facilities (radio and television)	C	C	C
36. Commercial recreational facilities (indoor)	P	C	C
37. Commercial recreational facilities (outdoor)	C	C	C
38. Convenience Store (including alcohol sales)	C	C	C
39. Convenience Store (no alcohol sales)	P	P	P
40. Dairy products stores	P	P	P
41. Department stores	P	■	P
42. Drapery and decorating shops	P	■	P
43. Dress making shops	P	P	P
44. Driving schools	P	■	■
45. Drugstore/Pharmacy	P	P	P
46. Electronic coin-operated games (commercially operated) less than 5 games	P	P	P
47. Electronic coin-operated games (commercially operated) 5 or more games (subject to section 20.11.90 of this Title)	C	C	C
48. Drive-in/through businesses including theaters and restaurants	C	C	C
49. Feed tack stores	P	P	P
50. Fireworks Stand, subject to the provisions of section 20.11.160 of this Title	P	P	P

USE	GC	NC	DC
B. Commercial Uses (Cont'd)			
51. Floral shops	P	P	P
52. Food stores and supermarkets	P	P	P
53. Floor covering stores (may include incidental repair)	P	P	P
54. Furniture stores, repair and upholstery	P	■	P
55. General retail stores	P	P	P
56. Hardware stores (no outdoor storage)	P	P	P
57. Hardware stores (outdoor storage)	C	■	■
56. Home improvement (indoor)	P	C	■
57. Home improvement (outdoor)	C	■	■
58. Health clubs, dance studios, martial arts, weight training, and similar uses	P	P	P
59. Hobby Shops	P	P	P
60. Hotels and motels	P	■	C
61. Insurance services	P	P	P
62. Janitorial services and supplies	P	P	P
63. Jewelry stores	P	P	P
64. Kiosks (parking lot film processing and key shops)	P	P	P
65. Laundry pick-up and delivery agencies and self-service laundries (includes diaper service)	P	P	P
66. Liquor stores	C	C	C
67. Mortgage services	P	P	P
68. Motorcycle shops (sales and service)	P	■	C
69. Locksmith shops	P	P	P
70. Meat markets	P	P	P
71. Mortuaries	C	■	C
72. Music stores	P	P	P
73. Newspaper and magazine stores	P	P	P
74. Mini storage (for public use)	C	■	■
75. Miniature golf courses	P	■	■
76. Nurseries and garden supply stores (provide all equipment and supplies are kept within a building or fenced enclosed area)	P	P	P
77. Office and business machines stores (sales, service, and repair)	P	P	P
77. Paint and wall covering stores	P	P	P
78. Parking facilities (off site)	P	■	C
79. Pet shops	P	P	P

USE	GC	NC	DC
B. Commercial Uses (Cont'd)			
80. Political or philanthropic headquarters	P	P	P
81. Pottery sales	P	P	P
82. Printing and copy shops (other than newspaper)	P	C	P
83. Recycling collection facilities including reverse vending machines and small collection facilities	P	P	P
84. Plumbing shops and supplies	P	■	P
85. Real Estate Services	P	P	P
86. Restaurants other than fast foods (refer to section 20.11.50 of this Title):			
a. With entertainment and/or serving alcoholic beverages, including upgrading an existing ABC license (e.g. Beer and Wine to a hard liquor license)	C	C	C
b. Without entertainment and/or serving alcoholic beverages	P	P	P
87. Shopping centers	P	C	C
88. Shoe stores (repairs)	P	P	P
89. Second-hand stores/pawn shops	P	■	P
90. Service Station (automotive, without convenience sales) subject to section 20.11.220 of this Title	P	P	P
91. Service stations (automotive, w/ convenience store, w/ or w/o alcoholic beverage sales)	C	C	C
92. Sporting good stores	P	P	P
93. Stamp and coin shops	P	P	P
94. Stationary stores	P	P	P
95. Statue shops	P	P	P
96. Sign painting shops within a completely enclosed building	P	■	P
97. Surveying services	P	■	P
98. Swimming pool and spa (sales, service, and supply	P	■	P
99. Telegraph offices	C	■	■
100. Tailor shops	P	P	P
101. Tattoo Parlor	C	■	C
102. Taxidermists (no processing)	P	P	P
103. Television (radio sales and repair)	P	P	P
104. Theaters, including both motion picture and live performing arts	C	■	C
105. Tire sales and service	C	■	C
106. Toy stores	P	P	P
107. Travel agencies	P	P	P

USE	GC	NC	DC
B. Commercial Uses (Cont'd)			
108. Upholstering shops (indoor only)	P	■	P
109. Variety stores	P	P	P
110. Veterinary offices and animal hospitals including exterior kennels, pens or runs	C	■	■
111. Veterinary offices and animal hospitals excluding exterior kennels, pens or runs	P	P	P
C. Public and Quasi-Public Uses			
1. Auditoriums	C	■	C
2. Day nurseries, nursery schools, and child care facilities, per State law	■	C	C
3. Hospitals	C	■	C
4. Convalescent homes	C	C	C
5. Convention hall, trade show, exhibit building with incidental food service	C	■	■
6. Churches, synagogues, mosques, temples	C	C	C
7. Clubs, lodges fraternities and sororities	C	C	C
8. Communication and telecommunication facilities (not including radio and television)	C	C	C
9. Educational institutions (including public or private vocational schools)	C	C	C
10. Fire and police stations	P	P	P
11. Public administration buildings and Civic Centers	P	P	P
12. Public libraries and museums	P	P	P
13. Public parks and recreation facilities (public or private)	P	P	P
14. Public utilities and public service sub-stations, reservoirs, pumping plants and similar installations not including public utility offices, unless project otherwise entails a public hearing; then Permitted	C	C	C
15. Residential care facility (per State law)	C	C	C
16. Post offices	P	P	P
17. Public utility services offices	P	P	P
18. Transportation Facilities	C	C	C
D. Residential Uses			
1. Single family residential dwellings	■	■	■
2. Residence in conjunction with a business	C	C	C
3. Multi-Family residential dwellings	C	C	C
E. Manufacturing Uses			
1. Oil & Gas exploration and production; subject to the provisions of Chapter 20.9 of this Title	C	C	C

USE		GC	NC	DC
F. Accessory Uses				
1.	Accessory uses and structures located on the same site as a permitted use	P	P	P
2.	Accessory uses and structures located on the same site as a use permitted subject to a Conditional Use Permit	C	C	C
G. Temporary Uses				
2.	*Temporary uses as prescribed in Chapter 20.2, Permits and Approval, section 20.2.90 of this Title, are permitted subject to issuance of a Temporary Use Permit.	*	*	*
H. Other uses similar to, and no more objectionable than the uses identified above, shall be reviewed per the process required by the similar use, as determined by the City Council .				

20.5.40 COMMERCIAL SITE DEVELOPMENT STANDARDS**1. General Requirements**

Table 5.B of this Chapter describes the minimum site development standards applicable to proposed and existing development in all commercial zone districts. All commercial development shall conform to the standards established in this Section.

- a. A development or commercial center may, for purposes of meeting the minimum site size standards, consist of a combination of parcels whose total net acreage meets the minimum site size criteria, provided that the design for the entire site is integrated and unified.
- b. In addition to the minimum standards established in Table 5.B, developments within the commercial zone districts shall also comply with the special requirements contained in Section 20.5.40.2 of this Chapter, Chapter 20.12 (Performance Standards) of this Title, other City regulations and ordinances, and the General Plan.

**Table 5.B
Commercial Site Development Minimum Standards**

REQUIREMENT	GC	NC	DC
1. Minimum site area (square feet, net)	6,500	6,500	5,000
2. Minimum site width, in feet	65	65	50
3. Minimum site depth, in feet	100	100	100
4. Front building setback, in feet	0	0	0
5. Side street building setback area, street sides, in feet	0	0	0
6. Rear setback	0	0	0
7. Maximum Floor Area Ratio	0.50	0.50	0.50
8. Building height, in feet, maximum	45	35	35

2. Special Requirements:

- a. All uses in the commercial districts shall comply with the provisions of section 20.10.290 (Screening Requirements) of this Title and shall provide streetside landscaping as required by the PRC.
- b. Where off-street parking areas in the Neighborhood Commercial or General Commercial Districts are situated in a visual corridor, as may be defined in a precise plan adopted by the City Council, screening, such as a landscaped earthen berm or decorative wall no less than two (2) feet in height, shall be erected between the street right-of-way and the parking area.
- c. In all commercial zone districts, no external security bars shall be permitted on structures.
- d. Parking for each use shall comply with the provisions of Chapter 20.13 of this Title.

3. Exceptions

- a. The creation of new lots within the commercial zone districts shall conform to the minimum allowable dimensions, except in the case of commercial condominium lots or lots within a shopping center, in which case no minimums are established; provided the commercial development is consistent with other requirements of this Title and applicable City standards, regulations, and ordinances.
- b. Parcels created within shopping centers are exempt from the site development standards stated herein, as they relate to minimum site areas, and minimum lot width and depth, as long as a conceptual development plan for the entire center has been approved and if appropriate easements for reciprocal access parking and maintenance are provided.
- c. When abutting a residentially zoned district, the front, side, and rear yard setbacks of that residentially zoned district shall apply to the commercial development abutting that residentially zoned district.

CHAPTER 20.6

EMPLOYMENT DISTRICTS

CHAPTER 20.6

EMPLOYMENT DISTRICTS

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20.6.10

PURPOSE AND INTENT

1. The General Plan outlines the goals, objectives and policies establishing the character and location of regional commercial and industrial land uses within the City. It is the purpose of this Chapter to provide regulations that implement those goals, objectives, and policies that assure the availability of a solid and diversified economic base that is capable of offering a wide range of employment opportunities to the residents of the City.
2. The provisions of this Chapter are intended to ensure that specific, well-defined patterns of industrial activities are established which are compatible with the surrounding land uses, provide adequate access to the regional transportation network, accommodate the employment and personal needs of workers and business visitors which meet the service needs of local businesses.
3. It is the further intent of the provisions of this Chapter to:
 - a. Preserve appropriate areas for industrial uses and protect these areas from intrusion by residential and other incompatible land uses;
 - b. Protect adjacent land uses from noise, odor, dust, smoke, truck traffic, fire, explosion, radiation and other potential hazards and objectionable influences associated with certain industrial uses;
 - c. Provide adequate open space around industrial structures to protect them from hazards and to minimize the impact of industrial plants on nearby residential or commercial districts; and
 - d. Minimize traffic congestion and avoid overloading utilities by regulating the construction of buildings and structures of excessive size relative to the size of the building parcel.

20.6.20

EMPLOYMENT DISTRICTS

1. Community Retail Commercial (CRC)

The primary purpose of the Community Retail Commercial (CRC) zone district is to provide appropriate regulations and suitable locations for light industrial, research and development, warehouse and distribution office based firms seeking pleasant and attractive working environments, business support services, and commercial uses requiring large parcels.

2. Industrial (I)

The primary purpose of the Industrial (I) zone district is to provide appropriate regulations and suitable locations for manufacturing, research and development, warehousing and distribution, and multi-tenant industrial uses, in addition to administrative support, professional offices, and commercial activities on a limited basis. This zone district is intended to provide an area for the establishment of light industrial and limited service commercial uses which meet high performance standards, but which usually cannot meet site development standards applicable to planned research and development parks.

20.6.30 USE REGULATIONS FOR EMPLOYMENT DISTRICTS

1. Identified in Table 6.A of this Chapter are those land uses or activities which may be permitted in each of the employment districts, subject to the provisions of this Title and applicable General Plan policies. Table 6.A also identifies those land uses and activities that are permitted in specified employment zone districts, but not in others. This table also indicates development procedure and approval type by which each listed land use or activity may be permitted in the applicable employment district.
2. Land uses within the employment districts shall meet the provisions of the section 20.10.110 (Hazardous Materials Management) of this Title and all applicable local, State, and Federal hazardous materials legislation, in addition to the provisions of this Chapter.
3. If permitted, land uses within the CRC and/or I zone districts which are or would be deemed "Hazardous Materials Handlers or Generators," as defined in the County Hazardous Waste Management Plan, shall be subject to section 20.2.50 (Conditional Use Permits) of this Title, notwithstanding the application process which may be specified in this Chapter.

Table 6.A
Uses Permitted Within Employment Districts

Legend

- Not permitted in this district
- P Permitted subject to Consistency Assessment
- C Permitted Subject to approval of a Conditional Use Permit application

USES	CRC	I
A. MANUFACTURING USES		
1. Bakery/food preparation	P	P
2. Batch plants	C	P
3. Bottling plants	C	P
4. Carpenter and cabinet shops	P	P
5. Cement products manufacturing	C	P
6. Processing frozen food products	P	P
7. Electronics: electrical and related parts; electrical appliances, motors, and devices; radio, television, computers	P	P
8. Fruit, vegetable, and plant products processing, and retail services, including cold storage, packing, preserving, canning, and shipping	P	P
9. Furniture upholstery	P	P
10. Instruments: electronic and precision; medical and dental; timing and measuring	P	P
11. Laboratories: chemical, dental, electrical, optical, mechanical, and medical	P	P
12. Manufacture and maintenance of electrical and other signs	P	P
13. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared typical materials: Canvas, cellophane, cloth, cork, felt, fiber, fur, glass, leather, paper (no milling), precious or semi-precious stones or metals, plaster, plastics, shells, textiles, tobacco, wood and yarns	C	P
14. Office and related machinery: audio machinery, visual, and electrical machinery	P	p
15. Pharmaceuticals: cosmetics, drugs, perfumes, toiletries, and soap (not including refining or rendering of fats or oils)	P	P
16. Rubber and metal stamp manufacturing	C	P
17. Welding shops	C	P
18. Oil and gas exploration and production, subject to provisions of Chapter 20.9 of this Title; if, however, combined with a PE District, a conditional use permit is not required in the CRC zone district	C	P

USES	CRC	I
B. WHOLESALE USES AND WAREHOUSING		
1. General wholesale, storage, and distribution including warehousing, storage, freight handling, shipping.	P	P
2. Warehousing from the premises of unfinished, raw and semi-refined products requiring further processing, fabrication, or manufacturing. Contractors' storage yards; including the storage of equipment, materials and vehicles for the construction industry (screening of outdoor storage required); Truck Terminals, outdoor storage yards.	C	P
3. Recreational vehicle storage (screening of outdoor storage required).	C	P
4. Vehicle storage/towing services (screening of outdoor storage required).	C	P
5. Vehicle wrecking and storage (screening of outdoor storage required).	■	C
6. Mini-storage, self-storage units (commercial)	P	P
C. COMMERCIAL USES AND SERVICES		
1. All uses either permitted or conditionally permitted in the commercial districts except residential uses (unless otherwise specified in this table)	P	P
2. Adult entertainment (as provided in section 20.11.30 of this Title	P	P
3. Auction house	C	P
4. Automotive fleet storage	C	P
5. Automotive sales, service and rental agencies	P	P
6. Automotive repair (minor)	P	P
7. Automotive, truck, bus, and recreational vehicle repair (major)	C	P
8. Bakery shops (retail and wholesale)	P	P
9. Barber and beauty colleges	P	C
10. Blueprinting and photocopying	P	P
11. Boat and camper sales, manufacture, and repairs	C	P
12. Car wash (self or full service)	P	P
13. Cleaning and pressing establishments	P	P
14. Cocktail lounge/bar, including upgrading existing ABC license (e.g. beer and wine to a hard liquor license) Refer to Section 20.11.50 of this Title.	C	C
15. Communication & telecommunication Facilities (radio and television)	C	C
16. Commercial recreational facilities (indoor and outdoor)	P	P
17. Commercial recreational facilities (outdoor)	C	C
18. Driving Schools	P	■
19. Exterminators	C	P
20. Fruit and/or vegetable stand, temporary	P	P

USES	CRC	I
D. COMMERCIAL USES AND SERVICES (CONT'D)		
21. Furniture stores (sales, manufacture, repair and upholstery)	P	P
22. Glass shops and glass studio	P	P
23. Hotels and motels	C	■
24. Lumber and buildings material yards	C	P
25. Kennel and catteries	C	C
26. Mortuaries	C	C
27. Newspaper and magazine shops (printing and publishing)	C	P
28. Commercial parking facilities	C	C
29. Printing and copy shops	P	P
30. Plumbing shops and supplies	P	P
31. Recycling facilities (large collection facilities and processing facilities)	■	C
32. Restaurants (including drive-through)	P	P
33. Restaurants other than fast foods (Refer to section 20.11.50 of this Title):		
a. With entertainment and/or serving alcoholic beverages, including upgrading an existing ABC license (e.g., beer and wine license to a hard liquor license)	C	C
b. Without entertainment and/or serving alcoholic beverages	P	P
34. Service stations (subject to section 20.11.220 of this Title)	C	C
35. Sign painting shops	P	P
36. Tattoo parlors	C	C
37. Truck wash	■	C
38. Tire retreading and recapping	■	C
39. Tire shops (retail and service)	C	P
40. Vending machine service and repair	P	P
41. Veterinary offices and animal hospitals including exterior kennels, pens or runs	C	C
E. ACCESSORY USES		
1. Accessory uses and structures located on the same site as a permitted use	P	P
2. Accessory uses and structures located on the same site as a use permitted subject to a conditional use permit	C	C
3. Watchman's or caretaker's living quarters only when incidental to and on the same site as a permitted or conditional use (where 24 hour surveillance is required)	C	C

USES	CRC	I
F. PUBLIC AND QUASI-PUBLIC USES		
1. Bus, rail, rail freight classification or switching yard, rail spurs, and taxi stations	C	P
2. Churches, clubs, lodges, fraternities, and sorority headquarters	C	■
3. Educational institutions, museums, public libraries	P	C
4. Fire and police facilities	P	P
5. Public utility and public service substations, reservoir, drainage sumps, pumping plants, transmission line, and similar installations not including public utility offices, unless project otherwise entails a public hearing; then Permitted.	C	C
6. Recreational facilities (e.g., golf courses, parks)	C	C
7. Day nurseries, nursery schools, and child care facilities, per State law	C	C
8. Postal services	P	P
9. Public administration buildings	P	P
10. Public utility services offices	P	P
G. OFFICE AND RELATED USES		
1. Administrative and executive offices (incidental to primary use)	P	P
2. Clerical and professional offices (incidental to primary use)	P	P
3. Financial/mortgage services and institutions	P	P
4. Medical, dental and related health services for humans, including laboratories, clinics, and the sale of articles clearly incidental to the services provided	P	P
5. Prescription pharmacies when located within a building containing the offices of medical practitioners	P	P
H. TEMPORARY USES		
1. Temporary uses as prescribed in Section 20.2.90 (Permits and Approvals) of this Title and based upon issuance of a Temporary Use Permit.	P	P
I. Other uses similar to, and no more objectionable than the uses identified above, may be permitted subject to the provisions of section 20.1.90 (Determination of similar Use) of this Title.		

20.6.40 EMPLOYMENT DISTRICT DEVELOPMENT STANDARDS**1. General Requirements**

- a. Table 6.B of this Chapter establishes the minimum property development standards for all land, buildings and structures constructed within the specified zone district. All sites shall conform to the dimensions established by this Chapter.
- b. A development or business park may, for the purposes of meeting the minimum site size standards, consist of a combination of parcels whose total net acreage meets the minimum site size criteria, provided that the design for the entire site is integrated and unified.
- c. In addition to the minimum development standards established in Table 6.B, developments within an employment district shall comply with the provisions of section 20.6.40.2 of this Chapter, Chapter 20.12 (Performance Standards), other applicable City regulations and ordinances, and the City General Plan.

Table 6.B
Employment District Site Development Minimum Standards

REQUIREMENT	CRC	I
1. Minimum parcel size Flag lots (a)	10,800 sq. ft. Not permitted	10,800 sq. ft. 15,000 sq. ft.
2. Minimum site width	80 ft.	80 ft.
3. Minimum site depth	120 ft.	120 ft.
4. Minimum front, interior side, street side, and rear building setback	0 ft.	0 ft.
5. Maximum building height (b)	45 ft.	50 ft.
6. Maximum Lot Coverage	60%	60%

(a) Flag lot street frontage shall be no less than 50 feet. Access to the large portion of any flag lot shall be designed and constructed to City standards and shall be subject to approval by the City Engineer.

(b) In the Employment Districts, structures may exceed the maximum permitted height subject to securing an approved conditional use permit.

2. Special Site Development Standards

- a. All uses in the employment districts shall comply with the provisions of section 20.10.290 (Screening Requirements) of this Title.
- b. Where off street parking areas in employment districts are situated along a visual corridor, as may be defined in a precise plan adopted by the City Council, screening such as walls, berms, landscaping, or a combination thereof, no less than two (2) feet in height shall be erected between the street right-of-way and the parking area.
- c. Parking for each proposed use within the employment districts shall comply with the provisions of Chapter 20.13 (Parking Requirements) of this Title.
- d. When abutting a residentially zoned district, the front, side, and rear yard setbacks of that residentially zoned district shall apply to the development abutting that residentially zoned district.

CHAPTER 20.7

CHAPTER 20.7

AGRICULTURAL DISTRICTS

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AGRICULTURAL DISTRICTS

CHAPTER 20.7

AGRICULTURAL DISTRICT

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20.7.10**PURPOSE AND INTENT**

1. The General Plan outlines the goals, objectives and policies establishing the character and location of agricultural uses within the City. It is the purpose of this Chapter to provide regulations implementing those goals, objectives and policies to assure the preservation of existing agricultural uses as an important component of the local economy.
2. It is further the intent of this Chapter to:
 - a. Protect and promote the continuation of farming in areas with prime soils and soils of statewide importance where farming is a viable component of the local economy, and promote the continuation of farming in areas where it is already established;
 - b. Separate agricultural land use and activities from incompatible residential and commercial development, and public facilities; and
 - c. Prevent the encroachment of incompatible uses into agricultural lands and the premature conversion of such lands to non-agricultural uses.

20.7.20**AGRICULTURAL DISTRICT**

The primary purpose of the Agricultural (A) zone district is to designate areas suitable for agricultural uses, to prevent the encroachment of incompatible uses into agricultural lands, and to prevent the premature conversion of such lands to non-agricultural uses.

20.7.30**AGRICULTURAL USE REGULATIONS**

Identified on Table 7.A of this Chapter are those land uses or activities that may be permitted within the Agricultural zone district, subject to the provisions of this Title and applicable General Plan policies. Table 7.A also indicates the development procedure and the approval type by which each listed land use or activity may be permitted in an Agricultural zone district.

Table 7.A
Uses Permitted Within the Agricultural District

Legend

- Not permitted in this District
- P Permitted subject to Consistency Assessment
- C Permitted Subject to approval of a Conditional Use Permit application

	CONDITION OF USE
A. AGRICULTURAL USES	
1. Agricultural chemical storage and repackaging	C
2. Agricultural services, when incidental and secondary to the primary use of the premises for agriculture	P
3. Agricultural trucking facilities	C
4. Alcohol distillery	C
5. Animal products processing, including meat packing, canning, and shipping, when the livestock is produced or grown by the owner of the processing facility on the premises or on land leased, rented, or owned by the owner of the processing facility and within a reasonable distance of the facility	C
6. Bee keeping	P
7. Beef cattle or livestock grazing	P
8. Berry crops	P
9. Biomass energy conversion	C
10. Birds, including show or racing pigeons and other small fowl	P
11. Brewery	C
12. Row crops	P
13. Christmas trees	P
14. Cold storage facility for agricultural products	P
15. Contract harvesting	P
16. Cotton gin	C
17. Creamery	C
18. Dairy	■
19. Dairy stock grazing	■
20. Farm machinery and equipment repair	P
21. Fertilizer manufacture and storage for agricultural uses only	C

	CONDITION OF USE
A. AGRICULTURAL USES (Cont'd)	
22. Field crops, dryland	P
23. Field crops, irrigated	P
24. Fish and frogs	P
25. Flowers and horticultural specialties, wholesale only	P
26. Flour mill	C
27. Fruit, vegetable, and plant products processing, including freezing, packing, preserving, and shipping	P
28. Glucose processing	C
29. Grain elevator or storage	C
30. Hogs, hog farm, or ranch	■
31. Honey extraction	P
32. Horses, donkeys, llamas, or mules	P
33. Livestock feed lot or stock auction or sales yard for hoofed animals	■
34. Oil or mineral extraction	C
35. Poultry, including hatching, breeding, butchering, processing, or shipping of chickens, ostriches, emus, turkeys, or other fowl or poultry, including eggs	■
36. Rabbits or fur-bearing animals	P
37. Saw or planing mill	C
38. Sheep or goats farm	■
39. Tasting room, when accessory to an existing winery or brewery	C
40. Winery or brewery	C
41. Wool pulling and scouring	C
B. COMMERCIAL USES	
1. Fireworks Stand, subject to the provisions of Section 20.11.160 of this Title	P
2. Fruit stand, permanent	P
3. Fruit stand, temporary, pursuant to this chapter	P
4. Veterinary, large animal	P
C. EDUCATIONAL INSTITUTIONS AND SCHOOLS	
1. Preschool	C
2. Elementary school	C

	CONDITION OF USE
3. Junior high school	C
4. Senior high school	C
5. College or university	C
D. INSTITUTIONAL USES	
1. Cemetery, mausoleum, columbarium, mortuary, or crematory	C
2. Charitable or public service organization	C
3. Church	C
4. Fire or police station	P
5. Government office or building	P
6. Public agency or public utility buildings and facilities	P
7. Rehabilitation facilities, when operated in conjunction with a permitted use	C
8. Water treatment plant unless project otherwise entails a public hearing; then Permitted	C
9. Zoo	C
E. MISCELLANEOUS USES	
1. Accessory buildings, including cargo containers, if incidental and accessory to a permitted use	C
2. Accessory structures and uses located on the same site as a conditionally permitted use	C
3. Day-care home, large family, pursuant to this Title	C
4. Day-care home, small family	P
5. Drainage sump	C
6. Drainage sump, if proposed and approved as part of a tentative subdivision or tentative parcel map	P
7. Flood control facilities	P
8. Hunting or fishing club, not involving structures	C
9. Water storage or groundwater recharge facilities	P
10. Wild animal keeping	C
11. Wildlife or nature preserve	P
F. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES	
1. Equestrian establishment	C
2. Golf course/ driving range	C
3. Guest ranch, when accessory to a commercial ranching operation	C

	CONDITION OF USE
4. Lakes, private, for recreational skiing or boating	C
5. Park or playground unless project otherwise entails a public hearing; then Permitted	C
6. Racetrack or test track, automobile, bicycle, horse, or motorcycle	C
7. Recreational vehicle park	C
8. Shooting range or gun club, simulated war games, or similar activities, outdoor only	C
9. Trade fairs and exhibitions, temporary (14 day maximum), excluding flea markets and swap meets (subject to provision of 20.2.120. of this Title)	P
G. RESIDENTIAL USES	
1. Farm labor housing for on-site employees	C
2. Farm labor housing for contract labor	C
3. Residential accessory structures	C
4. Residential facility, serving six or fewer persons	C
5. Single-family dwelling, occupied by the owner or full-time on-site employee	P
H. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES	
1. Coal-fired cogeneration facility or steam generators, primarily intended for production of oil or gas	C
2. Cogeneration facility or steam generators, primarily intended for steam production used for production of oil or gas, excluding coal fired	C
3. Concrete or asphalt batch plant, temporary	C
4. Electrical power generating plant	C
5. Explosives storage, temporary	C
6. Explosives storage, permanent	C
7. Mineral exploration	C
8. Mining and mineral extraction pursuant to provisions of this Title	C
9. Oil or gas exploration and production pursuant to provisions of this Title	P
10. Rock, gravel, sand, or soils, crushing, processing, or distribution, when accessory to an approved mining operation	C
11. Solar energy electrical generators with a rated capacity of no greater than five kilowatts for on-site consumption of the electricity	P
12. Solar energy electrical generators, commercial or domestic, exceeding five kilowatts capacity	C
13. Wind-driven electrical generators for consumption of electricity	C

	CONDITION OF USE
I. TRANSPORTATION FACILITIES	
1. Airport, private (If not within an approved airport plan)	C
2. Airport, public (If not within an approved airport plan)	C
3. Heliport (If not within an approved airport plan)	C
4. Rail, Rail Freight Classification or Switching Yard, and Rail Spurs	P
J. UTILITY AND COMMUNICATIONS FACILITIES	
1. Radio, television or commercial communications transmitter, receiver, or translator, except as specified in this Title.	P
2. Transmission lines and supporting towers, poles, microwave towers, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company or other company under the jurisdiction of the California Public Utilities Commission pursuant to this Title.	C
3. Utility substation	P
K. WASTE FACILITIES	
1. Hazardous waste disposal facility unless project otherwise entails a public hearing; then Permitted	C
2. Nonhazardous oil production and/or oily waste disposal facility unless project otherwise entails a public hearing; then Permitted	C
3. Sanitary landfill unless project otherwise entails a public hearing; then Permitted	C
4. Septage disposal site unless project otherwise entails a public hearing; then Permitted	C
5. Sewage sludge composting unless project otherwise entails a public hearing; then Permitted	C
6. Sewage treatment plant unless project otherwise entails a public hearing; then Permitted	C
7. Transfer station, large and small volume unless project otherwise entails a public hearing; then Permitted	C
8. Waste to energy facility unless project otherwise entails a public hearing; then Permitted	C
L. Other uses similar to, and no more objectionable than the uses identified above, shall be reviewed per the process required by the similar use, as determined by the City Council.	

20.7.40 AGRICULTURAL DESIGN AND DEVELOPMENT STANDARDS**1. Lot Area Requirements**

- a. Except when conducted as an accessory to a residential use of a non-farm parcel, agricultural uses shall require a minimum area of 20 acres, and no farm parcel shall be subdivided from a parent tract unless it shall meet the minimum area requirement for agricultural uses.
- b. Farm-parcels under Williamson Act Contract and designated as Agricultural on the General Plan shall be a minimum of eighty (80) acres in size.
- c. Parcels that are conveyed to or from a governmental agency, public entity, community or mutual water company, or public utility for public purposes shall be exempt from the minimum lot area requirements of this Chapter.
- d. Minimum lot area requirements for uses established as an accessory use to a primary agricultural use in compliance with conditions of approval of a conditional use permit shall be exempt from minimum lot area requirements.

2. Site Development Minimum Standards

- a. In addition to the minimum standards established in Table 7.B. of this Chapter, development within the Agricultural zone district shall also comply with the special requirements contained in this Chapter, Chapter 20.12 (Performance Standards), other applicable City standards, regulations, or ordinances, and the City General Plan.

**Table 7.B
Agricultural Site Development Minimum Standards**

REQUIREMENT	
1. Minimum site area	20 acres
2. Minimum site width, in feet	400 feet
3. Minimum site depth, in feet	800 feet
4. Front building setback, in feet	50 feet
5. Side street building setback area, street sides, in feet	50 feet
6. Rear yard setback, in feet	50 feet
7. Maximum Floor Area Ratio	0.10
8. Maximum Building height, in feet	50 feet

¹ Structures such as silos, windmills, and communication antennas and towers may exceed height limit subject to approval by the Project Review Committee.

- b. No new slaughter area, area for the storage or processing of manure, garbage, or spent mushroom compost, structures for the cultivation of mushrooms shall be permitted. The raising of livestock shall not be permitted within two hundred (200) feet of any existing residence located on an adjacent property.
- c. There shall be a minimum of ten (10) feet between a residential building and a nonresidential structure, except that animals, pens, coops, stables, barns, corrals, other structures for housing livestock and buildings for processing, packing, or storing agricultural produce shall be at least one hundred (100) feet away from any residential building.
- d. There shall be a minimum of twenty (20) feet between an on-site residential building and an aviary.

20.7.50**TEMPORARY FRUIT STANDS**

- 1. Temporary fruit stands for the sale of agricultural, horticultural, or farming products permitted pursuant to this Title shall comply with the following standards:
 - a. The floor area of the fruit stand shall not exceed four hundred (400) square feet.
 - b. The fruit stand shall not be located closer than sixty-five (65) feet from the centerline of any public road, street, or highway right-of-way.
- 2. The stand shall be erected in such a manner that it can be readily removed by means of skids or other device.
 - a. The owner shall remove the stand at his/her own expense when the stand is not in use for a period of thirty (30) days.
 - b. Customer parking areas shall be treated with a dust binder in a manner to continuously prevent fugitive dust as approved by the Public Works Director.

20.7.60**RIGHT TO FARM PROVISIONS**

- 1. All uses within the Agricultural zone district shall be required to conform to the provisions of Section 20.10.270 of this Title regarding the protection of farming practices from a nuisance.

CHAPTER 20.8

CHAPTER 20.8

SURFACE MINING AND LAND RECLAMATION REGULATIONS

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SURFACE MINING AND LAND RECLAMATION
REGULATIONS

CHAPTER 20.8

SURFACE MINING AND LAND RECLAMATION REGULATIONS

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20.8.10 **PURPOSE AND INTENT**

The City recognizes that extraction of minerals is essential to the continued economic well-being and needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The City also recognizes that surface mining takes place in diverse areas where the geologic, topographic, biological, and social conditions are significantly different and that reclamation operations and the specifications may vary accordingly. The purpose and intent of this Section is to regulate surface mining operations as authorized by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as "SMARA;" and Public Resources Code Section 2207; and the California Code of Regulations adopted pursuant thereto (14 Cal. Code of Regs., Sections 3500 et seq.), to ensure that:

1. Adverse environmental and other effects of surface mining operations will be prevented or minimized and reclamation of mined lands will provide for the beneficial, sustainable long-term productive use of the mined and reclaimed lands; and
2. The production and conservation of minerals will be encouraged while eliminating hazards to public health and safety and avoiding or minimizing adverse effects on the environment, including but not limited to geologic subsidence, air pollution, water quality degradation, damage to biological resources, flooding, erosion, degradation of scenic quality, and noise pollution.

20.8.20 **INCORPORATION OF SMARA AND STATE REGULATIONS**

The provisions of the California Surface Mining and Reclamation Act of 1975 (Public Resources Code, Sections 2710 et seq.), Public Resources Code Section 2207, and the California Code of Regulations implementing the Act (14 Cal. Code of Regulations, Sections 3500 et seq.), and 14 Cal. Code of Regulations, Article 9, Chapter 8, Sections 3700 et seq., "Reclamation Standards"), hereinafter also referred to as the "State Regulations," as those provisions may be amended from time to time, are made a part of this Chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Chapter are more restrictive than conflicting State provisions, this Chapter shall prevail.

20.8.30 **APPLICABILITY**

1. Reclamation Plan

Unless exempted by the provisions of this Chapter, any person who proposes to engage in surface mining, or who proposes to permit another person to engage in surface mining on his property shall, prior to the commencement of said operations as defined in this Section, first file and obtain approval from the City a Reclamation Plan in accordance with the provisions set forth in this Chapter, as further provided in Sections 2772 et seq. of the Public Resources Code, 14 Cal. Code of Regulations, Article 9, Chapter 8, Sections 3700 et seq.; and financial assurances for reclamation.

2. Requirements for Reclamation Plans

A Reclamation Plan shall be required for all surface mining operations in all zone districts in which surface mining is allowed, as well as for those portions of existing surface mining operations which claim to have vested rights pursuant to Public

Resources Code Section 2776, unless otherwise exempted from the requirements of SMARA or as set forth herein. Public Resources Code, Sec. 2770 et seq.

3. Exemptions

This Chapter shall not apply to the following activities:

- a. Excavations or grading conducted for farming, on-site construction, or for the purpose of restoring land following a flood or natural disaster. (Public Resources Code, Sec. 2714(a))
- b. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less (Public Resources Code, Sec. 2714(b))
- c. Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose. (SMARA, Sec. 2714(c)).
- d. Such other surface mining operations which the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances. (Public Resources Code, Sec. 2714(d)).
- e. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies. (Public Resources Code, Sec. 2714(f)).
- f. Surface mining operations conducted on lands owned or leased, or upon which easements or rights-of-way have been obtained by the Department of Water Resources for the purpose of the State Water Resources Development System or flood control, and surface mining operations on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Reclamation Board for the purpose of flood control, if the Department of Water Resources adopts, after submission to and consultation with, the Department of Conservation, a reclamation plan for lands affected by these activities, and those lands are reclaimed in conformance with the standards specified in regulations of the Board adopted pursuant to this Chapter. (Public Resources Code, Sec. 2714(g)(1)).

Nothing in this Section shall require the Department of Water Resources or the Reclamation Board to obtain a permit or secure approval of a reclamation plan from the City in order to conduct surface mining operations specified in paragraph (1) hereinabove. Nothing in this Section shall preclude the bringing of an enforcement action pursuant to Section 2774.1 if it is determined that a surface mine operator acting under contract with the Department of Water Resources or the Reclamation Board on lands other than those owned or leased, or upon which easements or rights-of-way have been obtained, by the Department of Water Resources or the Reclamation Board, is otherwise not in compliance with Public Resources Code Sections 2710 et seq. (Public Resources Code, Sec. 2714(g)(2)).

An exemption under this Chapter does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the City, including, but not limited to application of the California Environmental Quality Act (Public

Resources Code Sections 21000 et seq.), the requirement of site approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law.

20.8.40 CONTENTS OF APPLICATIONS FOR SURFACE MINING OPERATIONS AND RECLAMATION PLANS

1. Applications for a Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Community Development Department. Said application shall be filed in accord with this Chapter and procedures established by the Community Development Director.
2. As many copies of a Reclamation Plan application as may be required shall be submitted in conjunction with all applications for Surface Mining Operations. The Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan.
3. Applications shall include all required environmental review forms and information prescribed by the Community Development Director.
4. Upon completion of the environmental review procedure, and filing of all documents required by the Community Development Director, consideration of an application for the proposed or existing surface mine shall be completed prior to public hearing before the City Council, pursuant to Section 2774 of the Public Resources Code.

20.8.50 PROCESSING

1. Within thirty (30) days of acceptance of an application for surface mining operations and/or a Reclamation Plan as complete, the Community Development Department shall notify the Director of the California Department of Conservation of the filing of the application (Public Resources Code, Sec. 2774(e)). Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Community Development Department shall also notify the State Department of Transportation that the application has been received (Public Resources Code, Sec. 2770.5).
2. The Community Development Department shall process the application through environmental review pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.) and the City's Guidelines implementing CEQA.
3. Subsequent to the appropriate environmental review, the Community Development Department shall prepare a staff report with recommendations for consideration by the City Council.
4. The City Council shall hold at least one noticed public hearing, in accordance with the provisions of Section 2.140 (Public Hearing and Notification Procedures) of this Title, on the application for the Reclamation Plan.
5. Prior to final approval of a Reclamation Plan, financial assurances (as provided in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the City Council shall certify to the Director of the California Department

of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of the State Regulations and submit the plan, assurances, or amendments to the Director of the California Department of Conservation for review (Public Resources Code, Sec. 2774(c)). The City Council may conceptually approve the Reclamation Plan and financial assurance before submittal to the Director of the California Department of Conservation. However, the City Council may defer action on the application until taking final action on the Reclamation Plan and financial assurance. If necessary to comply with permit processing deadlines, the City Council may conditionally approve the Reclamation Plan application with the condition that the Community Development Department shall not issue an approval for the mining operation until financial assurances have been reviewed by the Director of the California Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.

The Director of the California Department of Conservation shall have 45 days to prepare written comments on the Reclamation Plan and financial assurance, if the Director of the California Department of Conservation so chooses (Public Resources Code, Sec. 2774(d)). The City Council shall evaluate written comments received from the Director of the California Department of Conservation during the 45-day comment period. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the City Council's approval. In particular, when the City Council's position is at variance with the recommendations and objections raised in the Director's of the California Department of Conservation comments, the written response shall address, in detail, why specific comments and suggestions were not accepted (Public Resources Code, Sec. 2774(d)). Copies of any written comments received and responses prepared by the City Council shall be promptly forwarded to the operator/applicant.

6. The City Council shall then take action to approve, conditionally approve, or deny the Reclamation Plan pursuant to Section 2774 of the Public Resources Code, and to approve the financial assurances pursuant to Section 2770(d) of the Public Resources Code.
7. The Community Development Department shall forward a copy of each approval for mining operations and/or approved Reclamation Plan, and a copy of the financial assurances to the Director of the California Department of Conservation. By July 1 of each year, the Community Development Department shall submit to the Director of the California Department of Conservation for each active or idle mining operation a copy of the approval or amendments to the Reclamation Plan, as applicable, or a statement that there have been no changes during the previous year (Public Resources Code, Sec. 2774(e)).
8. Annual Reports - Surface mining operators shall forward an annual status report to the Director of the California Department of Conservation and the City Community Development Department on a date established by the Director of the California Department of Conservation upon forms furnished by the State Mining and Geology Board (Public Resources Code, Section 2207 (a)-(g)).

20.8.60**PERFORMANCE STANDARDS FOR RECLAMATION PLANS**

1. All new or revised Reclamation Plans shall conform to minimum statewide performance standards required pursuant to Public Resources Code Sec. 2773(b) (14 Cal. Code of Regulations, Article 9, Chapter 8, Sections 3700 et seq.), as adopted by the State Mining and Geology Board, including but not limited to wildlife

habitat, backfilling, revegetation, drainage, agricultural land reclamation, equipment removal, stream protection, topsoil salvage, and waste management.

2. The City may impose additional performance standards developed either in review of individual projects, as warranted, or through the formulation and adoption of Citywide performance standards.

20.8.70**PHASING OF RECLAMATION**

Reclamation activities shall be phased with respect to the mining operation and shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance (Public Resources Code, Sec. 2772(f)) (see also, Interim Management Plans for Idle Mining Operations, hereinbelow). Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and (d) estimated costs as provided under Financial Assurances hereinbelow.

20.8.80**FINDINGS FOR APPROVAL**

For approval of Reclamation Plans, the following findings shall be required:

1. That the Reclamation Plan complies with Sections 2772, 2773, and 2773.1 of the Public Resources Code and any other applicable provisions;
2. That the Reclamation Plan complies with applicable requirements of the State Regulations (14 Cal. Code of Regulations, Sec. 3500 et seq., and 14 Cal. Code of Regulations, Sections 3700 et seq.);
3. That the Reclamation Plan and potential use of reclaimed land pursuant to the Plan are consistent with this Chapter, the City's General Plan, and any applicable resource plan or element;
4. That the Reclamation Plan has been reviewed pursuant to the California Environmental Quality Act ("CEQA," Public Resources Code Sections 21000 et seq.) and the City's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible;
5. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is as compatible with and blends in with the surrounding natural environmental, topography, and other resources, or that suitable off-site development will compensate for related disturbances to resource values;
6. That the Reclamation Plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan; and
7. That a written response to the Director of the California Department of Conservation has been prepared, describing the disposition of major issues raised by the Director of the California Department of Conservation. Where the City's position is at variance with the recommendations and objections raised by the Director of the

California Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted (Public Resources Code, Sec. 2772(d)).

20.8.90

FINANCIAL ASSURANCES FOR RECLAMATION PLANS

1. In order to ensure that reclamation will proceed in accordance with the approved Reclamation Plan, the City shall require, as a condition of approval, security which will be released upon satisfactory performance. The applicant may post security in an acceptable form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, trust funds or other method acceptable to the City and the Mining and Geology Board (the "Board") as specified in statewide regulations adopted by the Board, and which the City reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. Financial assurances shall be made payable to the City and the Department of Conservation (Public Resources Code, Sec. 2773.1(a)(4)).
2. Financial assurances will be required to ensure compliance with elements of the Reclamation Plan including but not limited to revegetation and landscaping requirements; restoration of aquatic or wildlife habitat; restoration of water bodies and water quality; slope stability and erosion and drainage control; disposal of hazardous materials; and other mitigation measures. Financial assurances for such elements of the Plan shall be monitored by the Community Development Department.
3. The amount of the financial assurances shall be based upon the estimated costs of reclamation for the years or phases stipulated in pursuant to the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year, as provided in paragraph (6) hereinbelow. Cost estimates shall be prepared by a licensed engineer and/or other qualified professionals retained by the operator and approved by the Community Development Director. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee.
4. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City or State may need to contract with a third party commercial company for reclamation of the site.
5. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed, including any maintenance required (Public Resources Code, Sec. 2772.1(a)(2)).
6. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface

mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan (Public Resources Code, Sec. 2773.1(a)(3)). The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

7. Revisions to financial assurances shall be submitted to the Community Development Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

20.8.100**INSPECTIONS**

The Community Development Department shall arrange for inspection of a surface mining operation within six months of receipt of the Annual Report required in Sec. 812.0125, to determine whether the surface mining operation is in compliance with the approved Department Review Permit and/or Reclamation Plan, approved financial assurances, and the State Regulations (Public Resources Code, Sec. 2774(b)). In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, state-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the Community Development Director and as retained by the City Council. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board. The Community Development Department shall notify the Director of the California Department of Conservation within thirty (30) days of completion of the inspection that the said inspection has been conducted and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

20.8.110**INTERIM MANAGEMENT PLANS**

1. Within 90 days of a surface mining operation becoming idle, as defined in this Chapter, the operator shall submit to the Community Development Department a proposed Interim Management Plan (Public Resources Code, Sec. 2770(h) ("IMP")). The proposed IMP shall fully comply with the requirements of Public Resources Code, Sec. 2770(h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including, but not limited to, all conditions of the Department Review Permit and/or Reclamation Plan. The proposed IMP shall be processed as an amendment to the Reclamation Plan and shall not be considered a project for the purposes of environmental review (Public Resources Code, Sec. 2770(h)).
2. Financial assurances for idle operations shall be continued as addressed in the Reclamation Plan or an otherwise approved through the idle mine's IMP.
3. Upon receipt of a complete proposed IMP, the Community Development Department shall forward the IMP to the Department of Conservation for review. The IMP shall be submitted to the Department of Conservation at least forty-five (45) days prior to approval by the City Council.

4. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Community Development Director and the operator, the City Council shall review and approve or deny the IMP in accordance with the provisions of this Chapter. The operator shall have thirty (30) days or a longer period mutually agreed upon by the operator and the Community Development Director to submit a revised IMP. The City Council shall approve or deny the revised IMP within sixty (60) days of receipt. If the City Council denies the revised IMP, the operator may appeal that action to the City Council in accordance with the provisions of Section 20.2.180 (Appeals) of this Title.
5. The IMP may remain in effect for a period not to exceed five years, at which time the City Council may renew the IMP for another period not to exceed five years or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan.

20.8.120**PERIODIC REVIEW**

As a condition of approval of the application for a Reclamation Plan, a periodic review schedule shall be established to evaluate compliance with said Plan.

20.8.130**TIME LIMIT FOR COMMENCEMENT OF USE PERMITS FOR SURFACE MINING OPERATIONS**

The time limit for commencing a surface mining operation that is permitted pursuant to this Section shall occur within one year from the date of approval by the City Council.

CHAPTER 20.9**CHAPTER 20.9****OIL AND GAS PRODUCTION**

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OIL AND GAS PRODUCTION

CHAPTER 20.9

OIL AND GAS PRODUCTION

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20.9.10 **PURPOSE AND INTENT**

The purpose of this Chapter is to promote the economic recovery of oil, gas, and other hydrocarbon substances in a manner compatible with surrounding land uses and to protect the public health and safety by establishing reasonable limitations, safeguards, and controls on exploration, drilling, and production of hydrocarbon resources. The procedures and standards contained in this Chapter shall apply to all exploration, drilling and production activities related to oil, gas, and other hydrocarbon substances carried out in the City.

20.9.20 **UNRESTRICTED DRILLING**

No review or permit shall be required for the drilling of any steam injection well, steam drive well, service well, or any well intended for the exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure, or facilities thereto, of oil, gas, and other hydrocarbon substances in the A (Agriculture), I (Industrial), or DI (Drilling Island) zone districts; or in Section 20.3.50.2 (Permitted Uses in the PE zone district) of the City provided that;

1. All drilling installations and operations comply with the requirements of State law and with adopted fire and safety ordinances and regulations of the City.
2. Drilling shall not be commenced within one hundred (100) feet of any existing residence without the written consent of the owner thereof.
3. Signs shall be limited to directional, warning, and identification signs in connection with oil, gas, or other hydrocarbon drilling and development operations.
4. Disposal of nonhazardous oilfield liquid waste and production water is considered an accessory facility only if the facility complies with the following:
 - a. The nonhazardous oilfield liquid waste or production water is produced and disposed of within the same designated oilfield; or
 - b. The nonhazardous oilfield liquid waste or production water disposed of outside the designated oilfield of origin is produced by and disposed of solely and only by the same individual, corporation, or entity.
5. Height limits shall be in accordance with section 20.10.120 (Height Limitations) except that no height limit shall apply to derricks and other equipment used during the exploration and drilling phase of development not in conflict with Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation, or any corresponding rules or regulations of the Federal Aviation Administration, as amended.

20.9.30 **DRILLING BY CONDITIONAL USE PERMIT**

1. No well for use as an injection well and no well for the exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure, or facilities thereto, of oil, gas, or other hydrocarbon substances may be drilled or installed in any zone district, other than the A, I, DI, and PE zone districts in accordance with the provisions of section 20.9.20 of this Chapter, until an application for a conditional use permit has been submitted to and

- approved by the City Council, consistent with the provisions of section 20.2.50 (Conditional Use Permits) of this Title. The City Council may waive any condition set forth in the development standards and conditions if it determines that there will be no material detriment to the public welfare or safety of persons and property located in the vicinity of such a well.
2. Disposal of nonhazardous oilfield liquid waste and production water is considered an accessory facility only if the facility complies with the following:
 - a. The nonhazardous oilfield liquid waste or production water is produced and disposed of within the same designated oilfield; or
 - b. The nonhazardous oilfield liquid waste or production water disposed of outside the designated oilfield of origin is produced by and disposed of solely and only by the same individual, corporation, or entity.
 3. If a producing well or service well is not completed upon land subject to said conditional use permit within twelve (12) months from the date of issuance of the conditional use permit, or within any extended period thereof, the conditional use permit shall expire and the premises shall be restored as nearly as practicable to its original condition. No permit shall expire while the permittee is continuously conducting drilling, redrilling, completing or abandoning operations, or related operations, in a well on the lands covered by such permit, where operations were commenced while said permit was otherwise in effect. Continuous operations are operations suspended not more than thirty (30) consecutive days. If, at the expiration of the twelve (12) month period, the permittee has not completed the drilling program on the lands covered by such permit, the City Council may, upon a written request of the permittee, extend the permit for the additional time requested by the permittee for the completion of such drilling program.

20.9.40

DEVELOPMENT STANDARDS AND CONDITIONS

All wells drilled, pursuant to the provisions of this Chapter, for the exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure or facilities thereto, of oil, gas, and other hydrocarbon substances shall comply with the following standards, unless otherwise provided in this Chapter.

1. No oil or gas well shall be drilled within one hundred (100) feet of the right-of-way of any public highway, proposed public highway, Official Plan line, or Specific Plan Line, within one hundred (100) feet of any building not necessary to the operation of the well, within two hundred fifty (250) feet of any dwelling, within three hundred (300) feet of any building used as a place of public assembly, institution, or school, or within one hundred fifty (150) feet of any building utilized for commercial purposes constructed prior to the commencement of such drilling without the written consent of the owner of such structure.
2. All drilling and production activities shall conform to all adopted fire and safety regulations. Fire fighting apparatus, materials, and equipment required by the City shall be maintained on the site at all times during drilling and production operations.
3. No signs, other than directional and warning signs and those required for identification of a well, shall be constructed, erected, maintained, or placed on the premises or any part thereof, except those required by law or by ordinance to be displayed in connection with the drilling or maintenance of a well.

4. Sanitary toilet and/or washing facilities, if required by the Kern County Health Department or other governmental agencies, shall be installed and maintained in a clean and sanitary condition during drilling operations, and at such other times as specified by these agencies.
5. Proven technological improvements generally accepted and used in drilling and production methods shall be employed as they become available if they are capable of reducing nuisances or annoyances.
6. All derricks, boilers, and other drilling equipment employed, pursuant to the provisions of this Chapter, to drill any well hole or to repair, clean out, deepen, or redrill any completed well shall be removed within ninety (90) days after completion of production tests following completion of such drilling or after abandonment of any well, unless such derricks, boilers, and drilling equipment are to be used within a reasonable time, as determined by the Community Development Director, for the drilling of another approved well(s) on the premises.
7. Within ninety (90) days after any well has been placed in production, or after its abandonment, earthen sumps used in drilling and/or production (unless such sumps are to be used within a reasonable time as determined by the Community Development Director for the drilling of another well(s)) shall be filled and the drilling site restored as nearly as practicable to a uniform grade. Temporary earthen sumps may be used for clean-out or remedial work on an existing well or other production facility. However, these sumps shall be filled and the site restored as nearly as practicable to a uniform grade within ninety (90) days after the clean-out or other remedial work is completed. Such restoration work shall comply with all applicable regulations of the California Division of Oil, Gas and Geothermal Resources.
8. Any derrick used for servicing operations shall be of the portable type, unless proof is provided that the well is of such depth or has some other characteristics such that a portable type derrick will not properly service such well. In that instance, the Community Development Director may approve the use of a standard type of derrick.
9. Whenever oil or gas is produced into and shipped from tanks located on the premises, such tanks, whenever located within five hundred (500) feet of any residential, commercial, or building used for public assembly, shall be surrounded by shrubs or trees, planted and maintained to provide attractive landscaping or be fenced in such a manner as to, insofar as practicable, screen such tanks from public view. Such fencing shall comply with the requirements of the California Division of Oil, Gas and Geothermal Resources.
10. Whenever a well is located within five hundred (500) feet from an existing dwelling unit, except in case of emergency, no materials, equipment, tools, or pipe used for either drilling or production operations shall be delivered to or removed from the drilling site, except between the hours of 8:00 a.m. and 8:00 p.m., unless otherwise required by the California Division of Oil, Gas and Geothermal Resources.
11. Pumping wells shall be operated by electric motors or muffled internal combustion engines.
12. The height of all pumping units shall not exceed thirty-five (35) feet and shall be painted and kept in a neat condition.
13. All vehicle parking and maneuvering areas shall be treated and maintained with oiled sand or a similar dust binding material.

14. After production begins and a pump is installed on the wellhead, a fence at least six (6) feet in height shall be installed around the pump site or drilling island for public safety. This fence shall be constructed of chain link with wood or metal slats or other screening materials as may be required by the Community Development Director. This fencing and screening requirement shall apply only to those pump sites located within five hundred (500) feet of any dwelling. Such fencing shall comply with the requirements of the California Division of Oil & Gas and Geothermal Resources.
15. All required Federal, State, County, and City rules and regulations shall be complied with at all times including, but not limited to, the rules and regulations of the following agencies:
 - a. California Department of Oil, Gas and Geothermal Resources
 - b. Kern County Fire Department
 - c. Kern County Health Department
 - d. Regional Water Quality Control Board
 - e. San Joaquin Valley Unified Air Pollution Control District

20.9.50**APPLICATION CONTENTS**

An application for a conditional use permit shall include the following:

1. Name and address of applicant
2. Name(s) and address(es) of the property owner(s)
3. Assessor's parcel number(s)
4. Legal description of the property
5. A plot plan or site development plan drawn at the scale specified by the Community Development Director, which includes the following information:
 - a. Topography and proposed grading
 - b. Location of all proposed well holes and related accessory equipment, structures, and facilities to be installed and any abandoned wells if such are known to exist.
 - c. Location of all existing dwellings and buildings used for other purposes, located within five hundred (500) feet of the proposed well holes, identification of the use of each structure, and distances between well holes and existing buildings
 - d. North arrow.
6. Narrative description of the proposed development, including:
 - a. Acreage or square footage of the property

- b. Nature of hydrocarbon development activity
 - c. Description of equipment to be used
 - d. Distance to all existing buildings
 - e. Phasing or development schedule
7. Additional information may be required, as part of an application for a conditional use permit, as provided in section 20. 2.50 of this Title.

20.9.60**PERMIT REVOCATION AND MODIFICATION**

Any permit issued pursuant to the provisions of this Chapter may be revoked or modified pursuant to section 20.2.190 (Revocation of Permits) of this Title excepting section 20.2.190.3.b. in which case the requirements of the California Department of Oil, Gas and Geothermal Resources shall prevail.

CHAPTER 20.10

GENERAL DEVELOPMENT STANDARDS

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CHAPTER 20.10

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20.10.10 **PURPOSE AND INTENT**

It is the purpose and the intent of the general development standards to ensure that new land uses and development will contribute to and be compatible with existing and future development in the surrounding vicinity in a manner that will enhance the quality of life for City residents, employers and visitors. It is further intended, that all proposed development is consistent with the goals, policies, objectives and implementation programs of the General Plan.

The standards contained in this Chapter apply throughout the City in each district and, as appropriate, for all land uses and development. Rather than repeat these regulations and standards throughout this Title, they have been compiled in this Chapter.

20.10.20 **APPLICABILITY**

The provisions of this Chapter shall apply to any land division or land use application that authorizes, or would authorize by its approval, new construction, new land uses, or the substantial modification of an existing structure or land use. The provisions of this Chapter shall apply in addition to all applicable standards or regulations for the zone district in which the use or structure is located.

20.10.30 **ACCESSORY STRUCTURES****1. Accessory Structures within Residential Districts****a. Accessory Structure**

Except as provided below, all accessory structures, whether attached or detached, shall meet all site development standards applicable to the main structure as required by the zone district in which the main structure is located.

b. Canopies/Patio Covers

Canopies/patio covers or roofs attached to the main building or connecting the main building to an accessory building, may extend into a required rear or interior side yard, provided that the portions of such structures extending into the yard:

- (1) Shall not exceed fifteen (15) feet in height, project closer than thirty (30) inches to an interior side lot line, project closer than thirty (30) inches to a rear lot line where the rear yard setback is five (5) feet, or project closer than five (5) feet to a rear lot line where the rear yard setback is ten (10) feet.
- (2) Shall be entirely open on at least three sides excluding the necessary supporting columns; except that a roof connecting a main building and an accessory building shall be open on two sides.

c. Ground Mounted Mechanical Equipment

Ground mounted equipment, including but not limited to air conditioning compressors, evaporative coolers and pool equipment; if fully enclosed, may be permitted in any rear or interior side yard setback. If fully enclosed, said

equipment may project a maximum of four (4) feet into the required rear yard setback, and a maximum of two (2) feet into the required interior side yard setback, but shall be prohibited from projecting into the required front or street side yard setbacks.

d. Roof Mounted Mechanical Equipment

All roof mounted mechanical equipment, including but not limited to air conditioning compressors, evaporative coolers and pool equipment shall be located on the rear portion of the roof ridgeline in such a manner as to be screened, as much as practical, from public streets. On commercial property, said mechanical equipment may be placed forward of a ridgeline provided screening for the equipment has been approved. Industrial property is exempt from this provision.

e. Detached Accessory Structures

(1) A detached accessory structure may be located within an interior side yard or rear yard, provided that when such a structure is located closer than five (5) feet to an interior side or rear lot line, one-hour fire walls shall be installed on the side or sides located within the setback area. In no case, however, shall an accessory structure be located closer than thirty (30) inches to an interior side property line or to a rear property line.

(2) Accessory buildings shall have a maximum height of fifteen (15) feet; provided, however, that the accessory building is no higher than the main structure.

f. Projections into Yards

Porches, steps, and other architectural features, such as eaves, awnings, chimneys, balconies, stairways, wing walls, and bay windows may project a maximum of thirty (30) inches into any required front, rear, or side setback area.

2. Accessory Structures: Nonresidential Districts

a. Accessory structures shall not be located within the "building frontage," as defined in section 20.1.190 of this Title.

b. Accessory structures shall meet all setback requirements for the associated main building(s).

c. Eaves, roof projections, awnings, and similar adjacent architectural features may project into the City right-of-way subject to receiving an approved encroachment permit from the City Engineer.

d. Fireplaces, chimneys, bay windows, balconies, fire escapes, exterior stairs and landings, and similar architectural features may project into required building setback areas a maximum distance of thirty (30) inches, provided that all such features in any one setback shall not occupy more than twenty-five (25) square feet of that required building setback area.

e. Flues, chimneys, antennas, elevators, towers, spires, bell towers, or similar architectural elements, utility, or mechanical features may exceed the height limit of the land use district in which it is located by not more than twenty-five percent

(25%), provided that such feature shall not be used for habitable space and appropriate screening is provided for mechanical equipment when possible.

- f. Ground and wall mounted equipment incidental to industrial, commercial or office development shall be appropriately screened with solid walls and/or landscaping. Such equipment shall not be located in front of a building and any screening provided shall be architecturally compatible with adjacent architecture and materials.
- g. Roof-mounted equipment shall be used only for the building upon which it is mounted.
- h. Roof-mounted equipment shall be screened from public view to the extent practicable, as follows:
 - (1) All roof screens must be solid and continuous. Equipment may be covered by continuous grills or louvers.
 - (2) Roof screens shall be sheathed in a matching or complimentary material to the exterior building material and may include metal panels, aluminum, copper, ceramic tile, or other surface as approved by the Project Review Committee.
 - (3) Mechanical plants and distribution networks shall be located in a manner that is compatible with the affected building.

20.10.40**CIRCULATION, TRANSPORTATION, AND TRAILS FACILITIES****1. Purpose and Intent**

This section is intended to ensure that development proposals which include the design and/or construction of new roads, trails, and transit facilities are consistent with the adopted Circulation Element and Open Space/Conservation Element of the General Plan, and contribute to the implementation of the goals and policies of those Elements. Further, it is intended to ensure that proposed transportation improvements are consistent with efficient traffic management and good traffic engineering practices.

2. Public Street, Highways, Alleys, Easements

- a. All streets, highways, alleys and ways shall be designed and constructed in accordance with the Title 16 (Subdivision Ordinance) of the Municipal Code and any engineering design standards that may be periodically updated by the City Engineer, as incorporated herein by reference.
- b. The design of any new street proposed as part of any new development shall, in the opinion of the City Engineer, relate to the established street pattern in the area adjoining the proposed development.
- c. The proposed street plan shall provide for access and connection for future subdivision or development of adjoining undeveloped property when applicable.
- d. All streets shall be designed, dedicated and constructed in a manner consistent with the Circulation Element of the General Plan, the Subdivision Ordinance and the City's Engineering Design Standards.

- e. Additional rights-of-way or easements shall be provided when the City Engineer determines that such additional rights-of-way or easements are necessary to accommodate roadway slopes, drainage structures, and other facilities related to improvements required for proposed development.
 - f. No direct access to residential property contiguous to a freeway, highway, or arterial street, as shown on the Circulation Element of the General Plan, shall be permitted except by a frontage road, service road, or street separated from said major thoroughfare by a tier of lots.
 - g. The design and construction of new, or the extension of any existing streets, shall be consistent with the surrounding street pattern, the Circulation Element of the General Plan, the Subdivision Ordinance, and the City's Engineering Design Standards. The design and construction of parkways, grade separations, flood control facilities, local drainage facilities and other physical constraints shall be consistent with good engineering practice and shall be subject to approval by the City Engineer.
 - h. Secondary or alternative access shall be provided for all new development whenever deemed necessary by the PRC to protect the public safety.
 - i. Within subdivisions and other developments where immediate full improvements are not required, the centerline alignment of the street right-of-way shall be located so that future improvements can be constructed in accordance with any applicable conditions of approval.
 - j. The type and placement of required street name signs shall conform to the City's Engineering Design Standards.
 - k. All new or reconstructed streets that are not through streets shall terminate in a cul-de-sac, designed to the specifications of Title 16 of the Municipal Code, and the City's Engineering Design Standards, unless specifically waived by the City Engineer in favor of some other design alternative.
 - l. Street lights shall be installed along the right-of-way of all newly constructed or extended streets within the City, unless this requirement is specifically waived by the City Engineer.
 - m. Street right-of-way lines at uncontrolled intersections shall be a chord based on the points of tangency of a twenty (20) foot radius for street widths of fifty (50) feet, sixty (60) feet, and eighty (80) feet; for all others, a fifteen (15) foot radius shall be used. In the case of two streets with different right-of-way widths intersecting, the smaller of the two streets shall be used for the determination of the radius. If a block wall or fence is installed along the frontage of either or both of these streets, the chord and block wall or fence shall be set at the point where the line of sight is determined to be by the City Engineer.
3. Private Streets, Alleys, or Ways
- a. Private streets may be permitted when the City Engineer determines that:
 - (1) There is adequate provision for their construction and continuous maintenance;
 - (2) The access and parking needs of the occupants of the development will be adequately served;

- (3) The construction, use, and maintenance of private streets will not be detrimental to the public health, safety and general welfare;
 - (4) Occupants of the development are better served by private streets; and
 - (5) The type of development proposed is typically served by private streets.
 - b. Private streets may, subject to approval by the City Engineer, provide for access control by design, posting or gating.
 - c. The intersection of a private street or drive with a public street shall be indicated by posting, gating, or a change of pavement material and color at the entry to the private street, as approved by the City Engineer.
 - d. Concrete rolled curbs may be permitted in place of standard curbs on private streets and drives upon the determination by the City Engineer that the streets are adequate to handle drainage, that an adequate maintenance program is provided for in the covenants, conditions and restrictions, and/or some other maintenance mechanism approved by the City Engineer is utilized.
 - e. Private streets shall be constructed to the same standards required for public streets except for alternate curbing as provided in paragraph (d) above.
- 4. Sidewalks, Walking Paths, Bicycle Paths and Horse Trails
 - a. Sidewalks shall be constructed in conjunction with public and private streets unless they are determined by the City Council to be unnecessary, considering the rural nature of the development and/or pedestrian circulation needs. Sidewalk construction shall be in accordance with the City's Subdivision Ordinance and Engineering Design Standards.
 - b. The City may require dedication of walking paths, equestrian, and/or other trails for public use when such paths are determined to be necessary to further the goals and objectives, policies, or programs of the General Plan. In addition, and in conjunction with required street dedications, a project applicant may also be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the development.

5. Local Transit Facilities

The City may require the dedication or irrevocable offer of dedication of land for local transit facilities such as bus turnouts, benches, shelters, loading pads and similar items. If a subdivision is involved, such requirements shall directly benefit the residents of the subdivision, and shall apply only if the subdivision as shown on the tentative map has the potential for two-hundred (200) dwelling units or more if developed to the maximum density shown on the City's General Plan and if the City finds that transit services are or will, within a reasonable time, be made available to the subdivision.

20.10.50

CONDOMINIUMS AND CONDOMINIUM CONVERSIONS

1. Purpose and Intent

The purpose of this section is to establish development standards and special conditions for the protection of the community and purchasers or renters of both new

and converted residential and commercial condominiums, community apartment projects and stock cooperatives, the lessors of cooperative apartment projects and stock cooperatives, and the lessors of cooperative apartments, as well as mobilehome park residents in parks proposed for subdivision activity.

2. Applicability

All new or converting residential and commercial condominiums, community apartment projects, stock cooperatives, and cooperative apartments including mobilehome park conversions shall be reviewed for conformance with the provisions of this Code under the City's conditional use permit procedure, in addition to any and all requirements for preparation, review, and approval for a Subdivision Map, pursuant to the Subdivision Map Act and Title 16 of the Municipal Code.

This section shall also apply to the conversion of mobilehome parks to a mobilehome subdivision, condominium or cooperative. Conversion of a mobilehome park to any other use, or cessation of use of the land for a mobilehome park, shall be subject to Section 65863.7 and 65863.8 of the California Government Code.

3. Minimum Requirements

Except as otherwise provided by law, in approving or conditionally approving any condominium projects, including conversions of apartments or mobilehome parks, the following shall be required:

a. Parking

Off-street parking shall be provided in the amount and type pursuant to standards for new construction in Chapter 20.13 of this Title.

b. Yard and Height Requirements

All new condominium projects, including conversions of apartment or conversion of mobilehome park developments, shall comply with property development standards for the district in which the project is to be located, except that nothing in this Section shall be construed to prohibit the imposition of more restrictive requirements as a condition of approval by the City when necessary to protect the public health, safety, or general welfare, based upon appropriate findings.

c. Covenants, Conditions, and Restrictions (CC & Rs)

The Covenants, Conditions, and Restrictions (CC & Rs) for the new or converting condominium project, including conversion of apartment and mobilehome park projects, shall be reviewed and approved by the City and shall include an agreement that the following shall be guaranteed by the subdivider:

- (1) Common area items, including but not limited to; a roof, plumbing, heating, air-conditioning, and electrical systems shall be maintained by the sponsor of the conversion, or the developer, in good condition until one year elapses from the date of the sale of the last individual unit sold.
- (2) Adequate provisions for maintenance, repair, and upkeep of common areas.
- (3) Provisions, that in the event of destruction, reconstruction shall be in accordance with codes in effect at the time of such reconstruction.

- (4) Provisions for dedication of land or establishment of easements for street widening or other public purpose.
 - d. The CC & Rs shall provide that individual unit owners have the right to select or change the management group or the homeowner association ninety (90) days after sale or transfer of title of fifty-one (51) percent of the units. The CC & Rs shall provide that subsequent owners agree to make no changes in the CC & Rs imposing restrictions on the age, race, national origin, sex, marital status or other similar restrictions of occupants, residents, or owners.
4. Condominium and Mobilehome Park Conversion
- a. Condominium conversions and mobilehome park conversions may be approved in the City pursuant to the procedures in section 20.2.50 of this Title for a conditional use permit and for a tentative tract map as set forth in Title 16 of the Municipal Code.
 - b. No condominium conversion or mobilehome park conversion shall be approved unless and until all of the following conditions have been met by the subdivider;
 - (1) Tenants have received a Tenant's Notice of Intent to Convert pursuant to the provisions of California Government Code Section 66427.1 (Subdivision Map Act) prior to filing a Notice of Pending Application to Convert with the Community Development Director. Such notice shall be given by the applicant, and shall contain information as to tenant's rights under state and local regulations.
 - (2) A Notice of Pending Application to Convert has been filed with the Community Development Director, prior to the filing of a tentative subdivision map and conditional use permit application. The notice shall include a copy of the Tenant's Notice of Intent to Convert and a Building Condition and History Report prepared by a building inspection service or similar agency acceptable to the Building Official and Fire Department. The report shall contain information set forth on forms to be provided by the Community Development Director, including, but not limited to: date of construction, a list of all repairs and renovations to be made, an analysis of building conditions and any violations of housing, fire, or building codes, a listing of the proposed improvements to be carried out, an estimated time schedule, the present rent schedule including type and length of tenancy, the estimated prices of the converted units and/or lots, a copy of the proposed CC & Rs, a Tenant Relocation Assistance Plan indicating the number of tenants interested in purchasing or relocating, and detailed plans for assisting in the relocation of tenants. The subdivider shall furnish each prospective buyer with a copy of this report together with the CC & Rs.
 - (3) The Community Development Department shall prepare and deliver to the applicant a Staff Report including a staff recommendation for approval or denial, a listing of conditions or requirements recommended as a basis for approval, and supportive reasons or justifications for such recommendations.
 - (4) Tenants shall be notified by the subdivider in writing, of all public hearings in connection with an application for conversion, and all tenants subsequent to the initial notice of intent shall be notified in writing of the pending conversion prior to occupancy.

- (5) The applicant shall comply with the latest City adopted Uniform Building Code, Uniform Mechanical Code, Uniform/International Plumbing Code, National Electrical Code, Uniform Fire Code, and all other applicable codes, ordinances and regulations. The applicant shall further complete such alterations or repairs required by the Building Official prior to the sale of any such units.
 - (6) Written notice shall be given to all residential tenants not less than one (1) year from the date of tentative approval.
- c. For residential conversions, the City Council shall also determine that:
- (1) The conversion is consistent with the General Plan; and
 - (2) The vacancy factor of rental housing units in the City exceeds three (3) percent of the total rental housing inventory. Existing rental units may be approved for conversion regardless of the vacancy factor if the City Council determines that a new rental unit has or will be added to the City's housing inventory for each rental unit removed through conversion; and
 - (3) The subdivider has complied with all provisions of this Title and all other requirements and conditions as may be imposed by the City Council.

20.10.60**CONVERSION OF RESIDENTIAL STRUCTURES TO NONRESIDENTIAL USE**

Except where a home occupation is involved, no structure originally designed as a residence (including hotels and motels), or as an accessory structure or addition to a residence, shall be used for any commercial or office use unless the building and site are improved to meet all code requirements for an office or commercial development. This includes but is not limited to building code, fire code, and the requirements of this Title. Such a conversion may be a permitted use or may be subject to a conditional use permit process, depending on the base district use regulations.

20.10.70**DEDICATION REQUIREMENTS****1. General Requirements**

The dedication requirements, as specified by this Section, are imposed as provided by Section 66475 of the Subdivision Map Act and shall apply to all final tract and parcel maps, parcel map waivers, lot line adjustments and lot mergers unless exempted from specific dedication requirements by the Subdivision Map Act. In addition, the provisions of this Section may be imposed as necessary on projects not involving a subdivision in order to implement the provisions of the General Plan.

2. Public Streets, Highways, Alleys, Easements

All streets, highways, alleys, ways, easements, rights-of way, and parcels of land which are shown on the final tract map, parcel map, or development plan, and which are intended for public use shall be offered for dedication for public use by appropriate certificate unless required otherwise by the City Engineer. All irrevocable offers of dedication shall also be shown by appropriate certificate. If a subdivision is involved, the certificate shall be on the title sheet of the final map. Where lots exist along a public street, highway, alley or easement that does not align with the subject lot, the developer of any such lot shall dedicate to the City such land necessary to assure the continued planned line of improvements along such lot prior to the issuance of a building permit.

When vehicular access rights, including a one (1) foot non-access strip and line of sight, as defined in section 20.10.40.m. of this Chapter, from any lot or parcel to any highway or street are to be restricted as a requirement of a subdivision, such rights shall be forfeited in favor of the City by an appropriate certificate. A note stating: "VEHICULAR ACCESS RIGHTS DEDICATED TO THE CITY OF DELANO" shall be placed on the final map along the highway or street adjacent to the lots or parcels affected. If a subdivision is not involved, equivalent certificates and notes dedicating such vehicular access rights shall be required in a form approved by the City Engineer.

3. Utility and Landscape Easements

Any public or private utility and/or landscape easements required by any utility agency or by the City shall be shown on the final tract map, parcel map, or by the equivalent documentation if a subdivision is not involved. Said easements shall be dedicated to the appropriate party.

4. Drainage Facilities

In the event that a subdivision or development, or any part thereof is determined by the City Engineer to be traversed by a major watercourse, channel, stream, or creek, the subdivider or developer shall dedicate an adequate right-of-way for storm drainage purposes if, in the opinion of the City Engineer, such dedication is necessary. In the event that the natural watercourse does not lie entirely within such dedication, the subdivider or developer may, as approved by the City Engineer, either construct an adequate channel within such dedication or delineate the course of such watercourse upon the final map or upon an equivalent document if a subdivision is not involved.

If an artificial drainage facility is necessary for the general use of lot or parcel owners in a subdivision or other development, and is necessary for adequate drainage, as may result from the development and its improvements, the subdivider or developer may be required to provide such improvements. If required, an adequate right-of-way for the construction and maintenance of such drainage channel shall be dedicated on the final map, if applicable, or granted by separate instrument.

When storm drains are necessary for the general use of lot or parcel owners in a subdivision, or other developments, and such storm drains are not to be installed in the streets, alleys, or ways of such subdivision or development, then the subdivider or developer shall offer to dedicate upon the final tract map, parcel map, or by separate instrument, the necessary rights-of-way for such facilities.

When property or any portion thereof being subdivided or developed is within the natural or artificially planned drainage path, as indicated in any approved city drainage plan of adjoining unsubdivided or undeveloped property, and no street, alley, or way within the subdivision or development is designed to adequately provide for the drainage of such adjoining property, the subdivider shall dedicate drainage rights-of-way which are adequate to accommodate the flows calculated for such adjoining property based on the full development of said adjoining property.

20.10.80

DEVELOPMENT DENSITY

The maximum allowable development density or intensity of development shall be as specified in the General Plan and as specified in the zone district within which the proposed development is to be located. In determining the allowable number of dwelling units on a development parcel, all remainders of 51 percent (51%) or greater shall be rounded to the next higher whole number.

Requirements for obtaining a Density Bonuses are as follows:

1. Affordable Housing and Qualifying Residents Projects
 - a. Granting of a discretionary density bonus or other equivalent financial incentive is governed by Government Code Section 65915 when a developer of a residential project agrees to meet the following requirements:
 - (1) Construct at least twenty percent (20%) of the total units for lower income households, as defined in Section 50079.5 of the Health and Safety Code; or
 - (2) Construct at least ten percent (10%) of the total units for very low income households, as defined in Section 50105 of the Health and Safety Code; or
 - (3) Construct at least fifty percent (50%) of the total units for qualifying residents, as defined in Section 51.3 of the Civil Code; or
 - (4) Provide at least thirty-three percent (33%) of the total units within condominium conversions of apartments for low or moderate income households, as defined in Section 50093 of the Health and Safety Code; or
 - (5) Provide at least fifteen percent (15%) of the total units within condominium conversions of apartments for lower income households, as defined in Section 50079.5 of the Health and Safety Code.
 - b. A request for a discretionary density bonus and regulatory concessions or incentives shall apply to projects of five (5) or more residential units, shall require the approval of a conditional use permit, and shall be subject to the following provisions:
 - (1) Density bonus shall mean up to twenty-five percent (25%) density increase over the maximum allowable base General Plan Land Use density. In calculating the number of units that is equal to the required threshold as identified in subsection a.(1)(a) through a.(1)(e) of this section, the density bonus shall not be included in such calculation.
 - (2) The policies for achieving a density bonus shall be as follows:
 - (a) The City shall approve the density bonus and regulatory concessions and/or incentives only if the following findings can be made:
 - i. Affordable Housing:

The proposed project is consistent with the goals, policies and strategies of the General Plan; and

The proponent has demonstrated that the waiving or modifying of development standards is necessary to insure the economic feasibility of the project; and

The target units will be within the income level for those individuals for which the units are proposed to be developed.

ii. Qualifying Residents.

The proposed project is consistent with the goals, policies and strategies of the General Plan; and

The proponent has demonstrated that the waiving or modifying of development standards is necessary to insure the economic feasibility of the project; and

A commitment has been submitted in writing by the developer guaranteeing that the facility or development will be used for qualifying residents.

c. Concurrent with the processing of a conditional use permit for an Affordable Housing or Qualifying Residents Project the developer shall enter into an Affordable Housing or Qualifying Residents Agreement for any target dwelling unit for which a bonus density regulatory concessions and/or incentives have been granted as follows:

- (1) The agreement shall be for thirty (30) years or longer, as may be required for any construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or other similar programs unless the City makes a written finding that an additional concession or incentive is not required in order to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code or for rents or equivalent housing payment for the targeted units to be set as specified herein, in which case the agreement shall be for ten (10) years.

In the event that the Community Development Agency provides any assistance, the agreement shall be as follows: 1) no less than the life of the land use restriction of the Redevelopment Plan or 2) such other length of time as approved by the Redevelopment Agency or the City. In any case the provisions of Section 65915 of the Government Code shall govern.

- (2) Dwelling units targeted for lower income households, as defined in Section 50079.5 of the Health and Safety Code, shall be targeted at a rent or equivalent monthly housing payment not to exceed thirty percent (30%) of the 80 percent (80%) of Kern County median income as defined by H.U.D. or the State.
- (3) Dwelling units targeted for very low income households, as defined in Section 50105 of the Health and Safety Code, shall be targeted at a rent or equivalent monthly housing payment not to exceed thirty percent (30%) of fifty percent (50%) of Kern County median income as defined by H.U.D. or the State.
- (4) The Covenants, Conditions and Restrictions (C.C & R's) and the Affordable Housing or Qualifying Residents Agreement shall specify the designated target units which shall be set aside for persons or households of affordable income levels or qualifying residents and shall include a

covenant that the developer or his/her successor in interest shall not sell, rent, lease, sublet, assign or otherwise transfer any interest of same which no longer complies with the provisions of the C.C. & R's and the Affordable Housing Agreement or Qualifying Residents Agreement without the written approval of the City. An annual report shall be submitted by January 31 of each year to the Community Development Director confirming that the rent or sales price, or age restrictions for qualifying residents of all target units for the previous calendar year is within the income levels or meets the age restrictions as specified herein.

- (d) In addition to any density bonus provided for the project, the City shall provide at least one of the following concessions or incentives or provide other incentives of equivalent financial values based upon the land cost per dwelling unit to the developer unless the City makes a finding satisfying the requirements of section 20.10.80 of this Title:

- (1) A reduction in site development standards or a modification of Zoning Code requirements or architectural design requirements which exceed the minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.
- (2) Approval of mixed use zoning in conjunction with housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the areas where the proposed housing project will be located.
- (3) Other regulatory incentives or concession proposed by the developer and/or City.

In the case of condominium conversions, the City need only grant a density bonus or other incentives of equivalent financial value. The City need not provide a cash transfer payment or other monetary compensation, but may include the reduction or waiver of requirements which the City may apply as conditions of approval.

e. Qualifying Residents

Residential occupancy shall be limited to single persons at least 62 years old, or to cohabiting couples of which one person is at least 62 years of age for project less than 150 units. Such age restriction may be reduced to 55 years old for projects greater than 150 units.

This section shall apply to both independent living and congregate care facilities as described below:

Independent Living: Facilities designed to accommodate independent lifestyles shall include individual rooms that, at a minimum, consists of a full bathroom, sleeping area, kitchen, and parking garage.

Congregate Care Facilities: Shall provide, at a minimum, a full bathroom, sleeping area, communal kitchen, dining area, and recreational area appropriate for the number of residents.

(1) Development Design and Facilities.

(a) Lighting.

Adequate external lighting shall be provided for security purposes. The lighting shall be directed away from adjacent properties and public right-of-way.

(b) Laundry Facilities.

- i. Independent Living. Washer and dryer hookups shall be provided in each dwelling unit or in an attached garage.
- ii. Congregate Care Facilities. On site common laundry facilities including installation of washer and dryers shall be provided and may include shared laundry rooms.

(c) Common Facilities.

May include one or more of the following facilities located on site for the specific use of the residents of the project, if approved by the Planning Agency.

- i. Beauty salon and barber shop.
- ii. Small scale pharmacy.
- iii. Private common carrier transportation, maintained and operated by the facility.
- iv. Other similar facilities for the sole enjoyment of the residents.

(d) Minimum Unit Size.

The minimum floor area for each residential unit shall be as follow:

Notwithstanding the provisions of Table 4.B, Chapter 20.4 of this Title, regulating minimum dwelling unit size, the units provided shall be no less than 415 square feet in floor area for efficiency units, 540 square feet in floor area for one bedroom, and 640 square feet in floor area for two bedroom, or as otherwise approved by the approving authority.

(e) Open Space Requirements.

i. Private Open Space.

Notwithstanding the provisions of section 20.4.30.5.c.(4) of this Title, each dwelling unit shall be provided with a usable private open space in the form of a patio or courtyard with a minimum area of one-hundred (100) square feet and a

minimum dimension of ten (10) feet, or a balcony of eighty (80) square feet and a minimum dimension of eight (8) feet.

ii. Common Open Space.

Notwithstanding the provisions of section 20.4.30.5.c.(3) of this Title, two-hundred twenty-five (225) square feet of usable common open space per unit shall be provided within the boundaries of all projects. Usable open space shall constitute area(s) readily available, practical and generally acceptable for active and/or passive recreational uses. Up to forty percent (40%) of the required common open space may be provided in the form of a common leisure/recreation room.

(f) Parking Security

Parking facilities shall be designed to provide security for residents, guests, employees, shall be integrated into the architecture of the facility, and shall comply with the provisions of Chapter 20.13 of this Title.

(g) Transit Facilities.

- i. A bus turn out and shelter along the street frontage may be required to be dedicated and constructed where the development occurs along an established or planned bus route.
- ii. In lieu of a bus turn out and shelter, the developer may provide a private, on-site taxi, or equivalent service.

2. Additional Residential Conditions

The City may impose additional standards or conditions specific to the project and/or environmental mitigation measures related to the project.

a. Qualifying Non-residential Projects

- (a) Granting of a floor area ratio bonus is governed by Government Code Section 65917.5 when a developer of a commercial or industrial project agrees to meet the following requirements:
 - (1) The commercial or industrial project must consist of at least fifty-thousand (50,000) square feet of floor area.
 - (2) The developer must agree to set aside at least two-thousand (2,000) square feet of floor area and three-thousand (3,000) outdoor square feet to be used for a child care facility.
- (b) A request for a floor area ratio density bonus shall apply to commercial and industrial projects of fifty-thousand (50,000) square feet or greater, shall require approval of a conditional use permit, and shall be subject to the following provisions.

- (1) Floor area ratio bonus means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning and general plan requirements including:
 - i. A maximum of five (5) square feet of floor area for each one (1) square foot of floor area contained in the childcare facilities for existing structures.
 - ii. A maximum of ten (10) square feet of floor area for each one square foot of floor area contained in the childcare facilities for new structures.
 - iii. Projects constructed under this section shall conform to height, setback, lot coverage, parking, site plan review, fees, charges and other health, safety and zoning requirements generally applicable to construction in the zone in which the property is located; except as may be modified by this Chapter.
 - (2) The day care facility may be located either on site or off site as agreed upon by the developer and the City, and shall be of a size to comply with all state licensing requirements in order to accommodate a minimum of forty (40) children. A consortium with more than one developer may be used in order to achieve the threshold amount for the available floor area ratio density bonus and with each developer's bonus density pro rated based on the percentage participation of each developer.
 - (3) The developer may either operate the day care facility itself or may contract with a licensed childcare provider to operate the facility. In all cases, the developer must coordinate with a local childcare resource and referral network in order to qualify for the floor area ratio bonus.
 - (4) Once the child care facility has been established, prior to any closure, change in use, or reduction in the size of the facility, the City Council shall find that the need for child care is no longer present, or is not present to the same degree as it was at the time the day care facility was developed.
4. Additional Non-Residential Conditions

The City may impose additional standards or conditions specific to the project and/or environmental mitigation measures related to the project.

20.10.90

FENCES AND WALLS

1. Residential Districts

- a. In any required front yard or street side yard of a reversed corner lot, a wall or fence shall not exceed forty (40) inches in height.
- b. A wall or fence not more than six (6) feet in height, as measured from the adjacent grade on the same parcel may be maintained along any interior side yard, rear yard or street side yard provided that such wall or fence does not extend into the required front yard or the street side yard of a reverse corner lot, with the following exception:

For lots adjacent to a sidewalk, that portion of section 20.10.90.1.b above which provides for a six (6) foot high fence may be increased to a maximum height of eight (8) feet above the grade of the adjacent sidewalk when the final grade of the subject lot is at least two (2) feet higher than the adjacent sidewalk; provided that for each one (1) foot of fence height above the six (6) feet, two (2) feet of landscaped area shall be provided between the sidewalk and the subject fence.

- c. No barbed wire shall be used or maintained as a fence or wall, or as any part of a fence or wall when located along a front, side, or rear property line of any lot; nor shall any sharp wire or sharp points project above the top of any fence or wall.

2. Non-Residential Districts

- a. Within any required front building setback area, walls or fences shall not exceed forty (40) inches in height. However, walls or fences may be permitted up to a maximum height of five (5) feet provided that the portion of the fence or wall above forty (40) inches in height is ninety percent (90%) light-emitting wrought iron or other similar material.
- b. Walls for the purpose of screening commercial and industrial activities from more sensitive land uses, and for sound attenuation, shall be required as a condition of approval for commercial or industrial development. The height, placement and design of such walls shall be determined based on the required sound attenuation and/or need for visual screening to ensure consistency with General Plan policies and performance standards. In some instances, site specific conditions may require a variance to maximum wall height requirements in order to meet the provisions of this paragraph.
- c. In any required rear or interior side building setback area, except as provided by section 20.10.90.2.b above, walls and fences shall not exceed six (6) feet in height except with an approved conditional use permit.
- d. No barbed wire or any other sharp point wire, such as razor sharp chain link fence topping, or points shall be permitted as a fence or part of a fence or wall in a DC or NC zone district.
- e. In a GC, CRC, or CF zone district, barbed wired may be used as part of a fence or wall as set forth hereunder:
 - (1) Where permitted, barbed wire shall be limited to three (3) strands, no more than one (1) foot in height, when placed on top of a fence or wall when that fence or wall is no less than six (6) feet in height. All other types of fences, or parts of fences or walls, that have sharp wire, such as razor sharp chain link fence topping, or points projecting above the top or to the side of a fence or wall, are prohibited.
 - (2) Said barbed wire, when in compliance with the requirements of subsection 20.10.90.2 above, shall be located no less than twenty-five (25) feet from a front or street side property line, unless otherwise approved by the Project Review Committee.

20.10.100

GRADING

Whenever a tentative map or other residential, commercial or industrial development is approved, which will require grading or other preparation of the soil, the City may impose

conditions relating to grading on the approval of the development. Such grading conditions shall be in addition to any other provisions of the Building Code applicable to the project. Such conditions shall be included by the Building Official or City Engineer in any grading permit thereafter issued. Such conditions may include, but are not be limited to, the following:

1. A requirement that lands slope toward rather than away from the street.
2. Requirements for planting and landscaping of slopes.
3. Requirements for the irrigation of slopes.
4. Limitations on the amount of soil to be imported or exported from the site.
5. A designation of the streets over which trucks or equipment may travel for the purpose of importing or exporting soil.
6. A limitation on the periods during which grading operations may occur.
7. Such other conditions as will facilitate an orderly development of the property in accordance with the provisions of the General Plan and the project's approval.

20.10.110**HAZARDOUS MATERIALS MANAGEMENT****1. Purpose and Intent**

In accordance with State law and the adopted Kern County Hazardous Waste Management Plan, the purpose of this Section is to ensure that businesses locating or operating within the City, which utilize, store, transport or dispose of hazardous materials, incorporate available risk management and waste minimization practices into their operations. Furthermore, the intent of this section is to minimize the risk of exposure to hazardous materials for residents and property within the City.

2. Preliminary Information Requirements

- a. All land use applications submitted for a new business or for expansion, or modification of an existing business shall provide information disclosing the amount and type of hazardous materials used and hazardous waste generated, the business practices for management and reduction of these substances, and emergency response procedures in the event of an accidental release.
- b. A preliminary hazardous waste minimization plan which identifies proposed waste management and reduction efforts shall be submitted to the City with all applications for land uses which are potential hazardous waste generators, as defined by the Kern County Hazardous Waste Management Plan.

3. Hazardous Materials Notification Requirements

- a. Any land use which handles or will handle any hazardous material or hazardous waste (as defined by the County Hazardous Waste Management Plan) in excess of fifty-five (55) gallons of liquid, three-hundred (300) pounds of solid, two-hundred (200) cubic feet of compressed gases, or any combination thereof, unless the federal threshold is lower, shall prepare and submit a Business Plan to the County Department of Environmental Health Services and the City Fire

Department prior to final approval of any permits. The contents of said business plan shall be as required by the County Hazardous Waste Management Plan.

- b. Prior to final approval, a Risk Management and Prevention Program as defined in the County Hazardous Waste Management Plan shall be submitted to the County Department of Environmental Health Services and City Fire Department for review and approval by any new, modified or expanded land use within the City which handles or will handle "acutely hazardous materials" (AHM), as defined in the County Hazardous Waste Management Plan, in amounts greater than fifty-five (55) gallons of liquid, five-hundred (500) pounds of solid or two-hundred (200) cubic feet of a compressed gas.
 - c. Commercial and industrial uses which propose to locate within the City provide the Fire Department with a list of all hazardous materials used at the site, a description of where and how each is stored, and how each react in a fire.
 - d. Placards or other appropriate signage shall be placed on all buildings or structures that are used for the storage of hazardous materials or wastes.
4. The unlawful discharge of hazardous wastes into the air, land, or water resources within City boundaries is prohibited.

20.10.120**HEIGHT LIMITATIONS**

Unless modified by this Chapter 20.11 (Specific Use Development Standards), or Chapter 20.12 (Performance Standards), the maximum allowable height of a structure shall conform to the regulations of the zone district within which the structure is to be located.

20.10.130**IMPROVEMENT STANDARDS AND PLANS**

1. Improvement Standards
 - a. Standards for the design and improvements of subdivisions and other developments shall be in accordance with the applicable sections of Title 16 of the Municipal Code, the Subdivision Map Act, the General Plan, any specific plans adopted by the City, and such other standards, regulations, or ordinances as may, from time to time, be adopted by the City Council.
 - b. In the absence of a standard for an improvement, the City Engineer may establish a standard in keeping with good construction and engineering practices.
2. Improvement Plans Required
 - a. All improvements proposed to be constructed or installed in subdivisions or other residential, commercial, or industrial developments shall be in accordance with detailed plans and specifications approved in writing by the City Engineer prior to commencement of said improvement work.
 - b. Improvements plans in sufficient detail shall be submitted to and shall be approved by the City Engineer prior to submitting a final subdivision map to the City Council, or if no final subdivision map is required, prior to commencement of construction.

- c. Required improvement plans shall show the location of all existing improvements, including but not limited to electrical, natural gas, telephone, and any other service facilities adjacent to or potentially affected by the proposed improvements. Specific improvement plan requirements shall be compiled and made available to the public by the City Engineer. Improvement plans shall be prepared by a professional civil engineer registered in the State of California.
- d. Improvements shall be completed or shall be bonded for, in accordance with adopted city bonding requirements, by each subdivider or developer, as required by the conditions of approval, prior to acceptance of the final tract map, or the equivalent, if a final subdivision map is not required.
- e. Improvements that are proposed to be or are required to be located within State highway rights-of-way shall be shown on the improvement plans and shall be designed to California Department of Transportation standards. Prior to approval by the City Engineer, the subdivider or developer shall acquire the Department of Transportation's approval of such improvements.
- f. An encroachment permit shall be obtained prior to commencement of any work done in connection with subdivisions or other residential, commercial, or industrial development projects, within the public right-of-way.

20.10.140**LIGHTING****1. Non-Residential**

- a. All outdoor lighting associated with nonresidential uses, excluding recreational uses, shall be shielded and directed away from surrounding residential uses. Such lighting shall not exceed one-half (0.5) foot-candles of illumination beyond the property containing the nonresidential use, and shall not blink, flash, oscillate or be of unusually high intensity of brightness.
- b. Parking areas of five (5) or more spaces shall have an average of one-half (0.5) foot-candles of illumination per square foot of parking area for visibility and security during hours of darkness.
- c. Each parking area of five (5) or more spaces existing prior to the effective date of this section, which is enlarged, re-constructed, altered, or changed from its previous configuration shall be subject to the above illumination requirements.
- d. Wiring for illumination shall be underground.
- e. The following types of outdoor lighting usage shall be prohibited between 10:00 p.m. and dawn:
 - (1) The operation of searchlights for advertising purposes; and
 - (2) The illumination of outdoor public recreational facilities, unless a specific recreational activity requiring the lighting is already in progress. All lighting shall be on a time clock or photo-sensor system.

2. Residential

- a. All single-family, duplex and triplex residential dwelling units shall be equipped with security lighting affixed to the exterior of each garage and above the exterior of each front and rear door.
 - (1) Lights shall be installed and shall be hard-wired into the electrical power source.
 - (2) Lights shall be shielded and directed away from surrounding residential uses and shall not blink, oscillate or be of unusually high intensity.
- b. Outdoor light poles within residential areas, except for street lighting, shall not exceed twelve (12) feet in height. Such lighting shall be designed to project downward, and shall not create glare on adjacent properties.

3. Recreational

A conditional use permit shall be required for all sport and athletic field, stadium, or major event lighting.

20.10.150 MINIMUM BUILDING SITES

Unless otherwise specified in Chapter 20.11 (Specific Use Development Standards), the minimum allowable building site size shall be in accordance with the regulations of the zone district within which the structure is to be located.

20.10.160 MANUFACTURED HOUSING

Manufactured housing, fabricated off-site and to be installed on a parcel of land, which includes mobilehomes, manufactured homes, and modular homes, may be permitted on individual lots that permit single family detached housing subject to the following requirements:

1. The manufactured home is permanently attached to a permanent foundation in compliance with all applicable building regulations.
2. If the manufactured home is a mobilehome, construction shall be certified under the National Mobilehome Construction and Safety Standards Act of 1974, (42 U.S.C. Section 5401 et. seq.) pursuant to Section 18551 of the Health and Safety Code. Documentation indicating certification and construction date must be submitted to the building Department in order to secure a valid building permit.
3. The manufactured home is no less than twenty (20) feet wide and no less than one thousand one hundred (1,100) square feet in area.
4. The Community Development Director determines that the placement of the manufactured home is compatible with the existing development in the immediate area in which it is being placed, in accordance with the following criteria:
 - a. The design of the manufactured home shall be similar in character and appearance to other dwellings in the immediate vicinity relative to design features including, but not limited to: unit size, roof overhangs, roof materials, roof pitch, and exterior materials; and

- b. All building setbacks, parking, coverage, height, and sign requirements of the base district shall apply.
- 5. Manufactured housing shall comply with the following architectural requirements:
 - a. A minimum three (3) in twelve (12), three (3) inches vertical to twelve (12) inches horizontal, roof pitch and a minimum of one (1) foot eave around the entire perimeter of the manufactured home, as measured from the vertical wall surface is required.
 - b. Roofing material customarily utilized in the construction of a conventional single family dwelling; such as but not limited to: wood shingles, tile, crushed rock, asphalt, or composition shingles is required.
 - c. Only non-reflective or non-glossy siding materials customarily utilized in the construction of conventional single family housing shall be permitted. These materials may include, but are not limited to: brick, stucco, wood or plaster.
 - d. The predominant shape and form of the manufactured home shall be compatible with that of the surrounding neighborhood.
 - e. The design and materials of any enclosed garage, porch, or other structure that is visible from the street, shall be compatible with the requirements of the main dwelling.
- 6. Manufactured homes not meeting installation and architectural requirements specified in this section, shall be permitted only upon approval of a conditional use permit, pursuant to the provisions of this Title.

20.10.170**MOBILEHOME PARKS****1. Purpose and Intent**

The intent and purpose of this Section is to establish standards to be used in the development of mobilehome parks within the City. These standards are intended to assure a suitable living environment for those persons residing within mobilehome parks and within nearby residential neighborhoods.

2. Objectives

- a. Encourage the use of private streets and the private maintenance thereof.
- b. Provide for recreational amenities and common areas, with controls and maintenance thereof by the mobilehome park owner, homeowners association, or common interest group.
- c. Provide a design that is related to and compatible with existing and planned land uses and circulation patterns on adjoining properties.

3. Conditional Use Permit

A conditional use permit, as provided in section 20.2.50 of this Title, shall be required for development of a new mobilehome park and/or for modification or expansion of an

existing mobilehome park. Whenever a difference occurs between the standards of this Section and an underlying zone district, the standards of this section shall apply.

4. Site Development Standards

The following standards shall apply to the development of a mobilehome park. Additional requirements may be specified in conditions of approval of a conditional use permit.

- a. A mobilehome park shall be no less than five (5) acres in size.
- b. No more than seven (7) mobilehome spaces gross acre shall be permitted. Rights-of-way of interior streets may be included in the gross acre figure.
- c. The maximum permitted coverage of mobilehomes and all accessory buildings and/or structures shall be seventy-five percent (75%) of the total area of the project site.
- d. The minimum area of a mobilehome space shall be three-thousand five hundred (3,500) square feet.
- e. Each mobilehome space shall comply with the following minimum yard setbacks. There may be no encroachments on any yard setback.
 - (1) Front Yard: Ten (10) feet.
 - (2) Rear Yard: Five (5) feet.
 - (3) Side Yard: Five (5) feet.
- f. Parking within a required access drive is prohibited. Width of access drives shall be determined by the City Engineer.
- g. Off-street parking.
 - (1) Two parking spaces, at least one of which shall be covered, shall be provided on each mobilehome space. Each parking space shall be no less than nine (9) feet wide by nineteen (19) feet long. No parking space may be located within the front yard setback area; tandem parking may be permitted.
 - (2) One guest parking space shall be provided for each four (4) mobilehomes located within the development. Guest parking may be permitted on interior street rights-of-way if the street has been designed to accommodate on-street parking.
- h. Interior streets.
 - (1) Private streets within a mobilehome park shall be a minimum of twenty-four (24) feet wide with no on-street parking, a minimum of thirty-two (32) feet wide if parking is permitted on one side of the street, and a minimum of forty (40) feet wide if parking is permitted on both sides of the street.
 - (2) A roadway divided into separate one way traffic lanes, by a curbed divider, or similar device, shall be no less than fifteen (15) feet in clear width on each side of the divider. Automobile parking shall be prohibited on a divided roadway except where the unobstructed width of the roadway on

the side of the divider used for parking is increased by eight (8) feet for each parking lane.

- i. A minimum of ten percent (10) of the net mobilehome park site shall be maintained for permanent open space and recreational facilities. Open space areas shall not include any portion of a mobilehome space or exterior perimeter landscaping. Usable open space may be occupied by recreational facilities such as a recreation centers, swimming pools, golf courses, tennis, basketball, volleyball and badminton courts, childrens' play areas, trails, and picnic areas.
- j. All areas within a mobilehome park not used for recreational facilities, streets, driveways, parking structures, building and service areas shall be landscaped, shall be provided with an automated irrigation system, and shall be permanently maintained in a manner approved by the Community Development Director.
- k. A common storage area, equivalent in size to one-hundred (100) square feet for each mobilehome space, shall be provided within the mobilehome park. The purpose of this storage area is to store such items as recreational vehicles, boats, and trailers. The storage area shall be paved and enclosed by a solid wall or durable view-obscuring fence that is at least six (6) feet in height. Recreational vehicles, boats, and trailers shall not be permitted on individual mobilehome spaces, interior streets, or parking spaces designated for automobile parking.
- l. Each mobilehome park shall have a landscaped area, served by an automatic irrigation system, of no less than fifteen (15) feet between the property line and the required perimeter wall if adjoining a public or private street. Where a property line is not adjacent to a public or private street, a perimeter wall shall be provided along said property line.
- m. Except where otherwise required, a perimeter wall shall be no less than six (6) feet in height. Where there is a difference in elevation on opposite sides of a wall, the height shall be measured from the exterior side of said wall. The following design elements shall be incorporated into all perimeter walls.
 - (1) The wall shall consist of concrete, stone, bricks, tile or a similar type of masonry material and shall be a at least four (4) inches thick.
 - (2) Berms, if incorporated into the project, shall be constructed of earthen materials and shall be landscaped and provided with an automatic irrigation system.
- n. Perimeter yard walls and landscaping shall be limited to a height of forty (40) inches within five (5) feet on either side of street openings for non-vehicular traffic and within ten (10) feet on either side of street openings for vehicular traffic.
- o. Adjoining streets shall be improved, as required by the City Engineer, to include all or any of the following: curb, gutters, street paving, sidewalks, and street lighting. This requirement shall include preparation of street improvement plans and any other engineering deemed necessary by the City Engineer.
- p. All utility lines, including water, sewer, electric, gas, telephone, and television distribution systems shall be placed underground.
- q. Trash storage areas shall be provided as follows:

- (1) Every mobilehome space shall have individual curb site pick-up, or
- (2) If common trash facilities are used, they shall be contained within an enclosed masonry structure no less than six (6) feet in height.
- r. Adequate lighting shall be provided throughout a mobilehome park to ensure for pedestrian and vehicular safety and to minimize potential security problems.
- s. Each mobilehome space shall be numbered, lettered or identified in such a manner as to be clearly visible from the street. A map and directory of the mobilehome park shall be installed near the primary access drive. Said map and directory shall be equipped with a lighting system adequate for nighttime visibility.

20.10.180**NOISE HAZARDS****1. Intent**

- b. Noise hazard provisions are intended to protect public health, safety, and welfare by identifying high noise areas in the City and establishing regulations to mitigate those identified high noise levels.
- c. The noise hazard provisions shall be applied to those areas where the projected Community Noise Equivalency Level (CNEL) is 65 decibels, 65 dB(A) or greater.

2. Development Standards

- a. When a land use application or development permit is proposed within the 65 dB CNEL noise contour and such a proposed use or noise associated with such a use is adjacent to a residential zone district or residential use, the following standards shall apply:
 - (1) Noise levels shall be identified. An acoustical report shall be performed to identify noise impacts and any recommendation for noise attenuation or other mitigation measures to be incorporated into the Engineering Design Standards or conditions of approval as applicable.
 - (2) Interior noise levels in residences dwelling units and educational institutions shall not exceed 45 dB(A) CNEL emanating from sources outside of the affected building.
 - (3) Exterior noise levels in residential land use areas shall not exceed 65 dB(A) CNEL.
 - (4) Ability to mitigate exterior noises to the levels of 65 dB(A) CNEL shall be considered by the reviewing authority when determining the actual CNEL level with which the land uses must comply.
 - (5) In areas where noise exceeds the noise standard, steps shall be taken to mitigate noise levels. An acoustical report identifying mitigation measures shall be required and reviewed by Environmental Health Services Department prior to issuance of any required development permits or approval of land use applications.

- b. All other structures shall be sound attenuated against the combined input of all present and projected exterior noise to not exceed the following criteria:
- d. In addition, the average of the maximum levels on the loudest of intrusive sounds occurring during a 24-hour period shall not exceed 65 dB(A) interior.

Typical Uses	12-Hour Equivalent Sound Level (Interior) dB(A) CNEL
Educational Institutions, Libraries, Churches	45 dB(A)
General Office, Reception	50 dB(A)
Retail Stores, Restaurants	55 dB(A)
Other Areas for Manufacturing Assembly, Test, Warehousing	65 dB(A)

20.10.190 OFF-SITE IMPROVEMENTS

The City may require, as a condition of approval, the dedication of improvements such as rights-of-way, easements, and the construction of reasonable off-site improvements in conjunction with the parcel(s) being developed or created.

20.10.200 PARK AND RECREATION FACILITIES

The City, as established by the Open Space and Conservation Element of the General Plan, and Chapter 16.34, Title 16 of the Municipal Code sets forth the requirements, as a condition of approval for subdivisions and other development projects, the payment of fees and/or dedication of land for the provision of neighborhood or community parks and/or recreational facilities.

20.10.210 PARKING REQUIREMENTS

Off-street parking facilities shall be provided in accordance with the provisions of Chapter 20.13 of this Title.

20.10.220 PERMITTED OUTDOOR USES

1. When identified as a permitted use that is permitted or a use that is permitted subject to approval of a conditional use permit in the zone district in which those uses are to be established, the following uses of property may be established outside of an enclosed building, provided those uses are located entirely on private property. No other outdoor uses shall be allowed unless permitted under the express provisions of Chapter 20.5 (Commercial Districts), Chapter 20.6 (Employment Districts), section 20.10.220 of this Chapter, and Chapter 20.11 (Specific Use Development Standards) of this Title.

a. Commercial Districts

- (1) Patio tables, chairs, umbrellas, and similar outdoor accessories used in connection with a restaurant business that does not impede pedestrian or vehicular circulation.
- (2) Outdoors vending machines or displays, including weighing scales, when accessory to a business conducted within a building.
- (3) Lumber/material yards in conjunction with a principal retail store and contractor supply yards.
- (4) Products generally described as being outdoor materials used for lawn, garden, and patio purposes such as border materials, patio furniture, pottery, barbecues, trellises, and lawn mowers; and for agricultural purposes such as motorized farm equipment and the like, provide such material is accessory to an established retail business and is displayed in an orderly manner where said material is accessible to the general public and is displayed for the purposes of sale. Not more than fifty (50) percent of all private property used for such display shall be utilized.
- (5) Automobile dealership sales, leasing, and rental display and automobile storage lots.
- (6) Dealership sales leasing, and rental display of mobilehomes, farm equipment and recreational vehicles including, but not limited to travel trailers, motorcycles, and boats.
- (7) Outdoor storage of materials and products associated with an established business if said storage of materials and products is completely screened from view from the public right-of-way and from adjacent properties. Said screening shall be subject to approval by the Community Development Director and shall conform to the provisions of section 20.2.80 (Design Review) of this Title.
- (8) Nurseries, garden supply stores, floral stores and sale of timely holiday products such as Christmas trees, pumpkins, and the like.
- (9) Recycling facilities subject to section 20.11.190 (Recycling Facilities) of this Title
- (10) Automotive Washing (self and full service).
- (11) Items listed in an approved conditional use permit that are associated with an existing or proposed building materials store or hardware store.
- (12) Commercial recreational facilities including, but not limited to miniature golf, water slides, and similar uses.
- (13) Other uses determined by the Project Review Committee to be similar to and no more objectionable than those uses listed in this subsection 20.10.220.1.a above in accordance with the provision of section 20.1.80 of this Title.

b. Employment Districts

- (1) All uses listed under section 20.10.220.1.a above
 - (2) Contracting storage yards, recreational vehicle storage, vehicle storage, and vehicle wrecking and storage
 - (3) Other uses determined by the Project Review Committee to be similar to and no more objectionable than those uses listed in subsection 20.10.220.1.b above in accordance with the provision of section 20.1.80 of this title.
2. Interior spaces, such as an interior courtyard, shall not be considered as outdoor storage provided such space is completely surrounded by a building or structure that screens all materials being placed in such an interior space from adjoining property or from a public or private street.
 3. An outdoor use, which is not specifically listed as a permitted outdoor use in section 20.10.220.1 of this Chapter and which became a nonconforming use after the effective date of adoption of Title 20 (Zoning Ordinance), shall be removed or made to conform to the provisions of this Chapter.
 - a. Within thirty (30) days after the effective date of Section 20.10.220.1 and 20.10.220.2 of this Chapter, the Community Development Director shall commence giving written notice to the owners of nonconforming outdoor uses informing them of the nature of the nonconformity, their responsibilities, and the City's intent to enforce this subsection. Following such notice, nonconforming outdoor uses shall be removed or made to conform to the provisions of this subsection within one-hundred eighty (180) days.
 - b. Enforcement of this subsection shall be in accordance with the provisions of section 20.1.40 of this Title and the General Penalty imposed in enforcement of this subsection shall be in accordance with the provision of section 20.1.50 of this Title.

20.10.230**PUBLIC ACCESS TO OPEN SPACE AND RECREATION AREAS**

In any subdivision, or other development application, wherein any parcel of land borders a public open space or recreational area, pedestrian access to such areas shall be dedicated or permanently preserved.

20.10.240**RESERVATION OF LANDS FOR PUBLIC FACILITIES**

1. The City may require that areas of real property within a subdivision or other residential, commercial, or industrial development be reserved for parks and recreational facilities, fire stations, libraries, or other public uses such as, but not limited to, domestic water and sewage facilities subject to the following conditions.
 - a. The proposed use of the land reserved is in accordance with General Plan policies and standards, any adopted specific plans, and all provisions of this Title.

- b. The reserved area is of such size and shape as to permit the balance of the property, within which the reservation is located, to be developed in an orderly and efficient manner.
 - c. The amount of land reserved will not make development of the remaining land held by the subdivider or developer economically unfeasible.
 2. The City shall, at the time of approval of a final map, parcel map, or approval of other residential, commercial, or industrial development, enter into a binding agreement to acquire such reserved area within two (2) years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of filing the tentative map, or other development request, plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider or developer in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area. If the City fails to enter into such a binding agreement, the requirement of reservation shall automatically terminate.

20.10.250 REFLECTIVE MATERIAL

Roofing materials that will be visible to the public from adjacent streets or property shall be of a non-reflective composition.

20.10.260 RELOCATED STRUCTURES

Structures may be relocated from one parcel to another subject to the following requirements:

1. Upon relocation of a structure to a new parcel, the parcel, including the relocated structure, shall comply with all regulations of this Title including all development standards, regulations, and restrictions for the use and the district in which the structure is to be relocated, including but not limited by this reference to building height, setback, parcel coverage, and unit density requirements.
2. The structure proposed to be moved or relocated shall be placed and/or reconstructed in the district within which it is to be located under all existing standards, regulations and restrictions.
3. Construction of residential structures proposed to be moved or replaced shall commence within thirty (30) days, and shall be completed within three hundred sixty-five (365) days, of the date the structure is relocated onto the property.
4. Prior to issuance of a building permit, a "Notice of Intent to Relocate" form, approved by the Building Official, shall be posted on the property proposed to contain the relocated structure for a minimum period of one (1) week.

20.10.270 RIGHT TO FARM PROVISIONS

1. Intent

It is the intent of this section to conserve, protect, and encourage the development, improvement, and continued viability of agricultural land and industries for the long-term production of food and other agricultural products; support the economic well-

being of the City's residents; balance the rights of farmers to produce food and other agricultural products with the rights of non-farmers who own, occupy, or use land within or adjacent to agricultural areas; and reduce the loss to the City of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance.

2. Applicability

All agricultural activities, operations, facilities, or appurtenances thereof shall comply with the provisions of this Chapter and to the applicable provisions of the zone district in which the land use is located.

3. Protection from Nuisance

- a. No agricultural activity, operation, facility, or appurtenances thereof shall be, or become a nuisance if the following standards are met:
 - (1) The agricultural use is conducted or maintained for commercial purposes; and
 - (2) The agricultural use is conducted in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality; and
 - (3) The agricultural use has been in operation for more than three (3) years and was not a nuisance at the time it began.
- b. This section shall not invalidate any provision contained in the Government Code of the State of California associated with agricultural activities, if such activities, operation, facility, or appurtenances thereof, constitutes a nuisance, public or private, as specifically defined or described in any such provision.
- c. This section is not to be construed to modify or abridge State law, as set out in the California Civil Code relative to nuisances, but rather to be utilized in the interpretation and enforcement of the provisions of City ordinances and regulations.

4. Notice to Buyers of Land

The Community Development Director shall cause the following notice to be included on any proposed land division that lies partly or wholly within or within three hundred (300) feet of any land zoned for primarily agricultural purposes:

- a. Lot(s) No. _____, as shown on this map, is (are) located partly or wholly within, or within 300 feet of land zoned for primarily agricultural purposes by the City of Delano. It is the declared policy of the City of Delano that no agricultural activity, operation, facility, or appurtenances thereof, conducted or maintained for commercial purposes within the City of Delano and conducted in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three (3) years, if it was not a nuisance at the time it began. The term "agricultural activity, operation, facility, or appurtenances thereof" includes, but is not limited to: the cultivation and tillage of the soil, the production, cultivation, growing, and harvesting of any agricultural commodity, including apiculture, horticulture,

the raising of livestock, fur bearing animals, fish or poultry; and any practices performed by a farmer or on a farm as incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market consistent with the provisions of this Title.

- b. The City Engineer shall cause the notice described in subsection (a) to be included on any final land division proposed for recordation that lies partly or wholly within, or within three hundred (300) feet of any land zoned for agricultural purposes.

20.10.280**SCENIC RESOURCES****1. Intent**

The scenic resources regulations are intended to establish development standards which protect, preserve and enhance the aesthetic resources of the City by incorporating design considerations which minimize interference with the preservation of unique natural resources, roadside views and scenic corridors. It is also the intent of the Scenic Resources regulations to implement state and federal programs and regulations regarding scenic highway routes.

2. Location Requirements

The Scenic Resources regulations may be applied to the following areas; areas with unique views of mountain and valley areas or any other aesthetic natural land formations.

3. Development Standards

When a land use is proposed within a scenic area, the following criteria shall be used to evaluate the project compliance with the intent of the district:

a. Building and Structure Placement

The building and structure placement shall be compatible with and shall not detract from the visual setting or obstruct significant views.

b. Setbacks

Intensive land development proposals, including, but not limited to, residential facilities, commercial, and industrial activities shall be designed to blend into the natural landscape and maximize visual attributes of the natural vegetation and terrain. The design of such development proposals shall also provide for maintenance of a natural open space parallel to the right-of-way. This represents the visible land area outside the highway right-of-way, which may be described as the "view from the road."

c. Access Drives

Right-of-way access drives shall be minimized. Developments involving concentrations of commercial activities shall be designed to function as an integral unit with common parking and right-of-way access drives when feasible.

d. Roads, Pedestrian Walkways, Parking and Storage Areas

Large scale development shall restrict the number of access points by providing common access roads. Parking and outside storage areas shall be screened from view, to the maximum extent feasible from adjacent scenic or recreational resources by placement of buildings and structures, or by landscaping and plantings.

e. Above Ground Utilities

Utilities shall be constructed and routed underground except in those situations where natural features prevent the underground routing or where safety considerations necessitate above ground construction and routing. Above ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting of the designated area. Where practical, above ground utilities shall be screened from view from adjacent scenic or recreational resources by placement of buildings and structures.

f. Grading

The alteration of the natural topography of the site shall be minimized and shall, to the extent feasible and practical, avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system.

g. Storage Areas

Outside storage areas associated with commercial or industrial activities shall be completely screened from view from the right-of-way with landscaping and plantings.

20.10.290**SCREENING REQUIREMENTS**

1. Screening of Commercial and Industrial Uses

Whenever any building or structure is erected or enlarged on any property, which is zoned for commercial or industrial purposes and abuts a residentially zoned parcel, screening shall be erected and maintained along the property line(s) abutting the residential zone(s). The screening between commercial or employment districts and adjacent existing or planned residential uses shall consist of a decorative masonry wall sufficient for sound attenuation, and shall have a minimum height of six (6) feet on the commercial side of the wall, except for front yard or street side yard setback area, where it will be reduced to forty (40) inches in height.

2. Screening of Storage Areas

Where permitted, all outdoor storage of materials, wares, crates, bottles, or similar items necessary to, or part of a permitted land use within an industrial, commercial, or special district shall be screened from view on at least three (3) sides by a solid opaque impact-resistant wall not less than five (5) feet in height, and on the fourth side by a solid opaque impact-resistant gate not less than five (5) feet in height or, alternatively, such other material or design approved by the Community Development Director.

3. Screening of Refuse Storage Areas

Outdoor trash receptacles for multiple family and nonresidential uses shall be of sufficient size to accommodate the trash generated by the uses on the parcel(s) being served. All outdoor storage of trash, garbage, refuse, and other items or material intended for discarding or collection shall be screened from public view on at least three (3) sides by a solid decorative wall not less than five (5) feet in height or, alternatively, such other material or design approved by the Community Development Director. The fourth side shall contain an opaque gate maintained in working order and shall remain closed except when in use.

20.10.300 SETBACK REQUIREMENTS

Unless otherwise specified in this Chapter; Chapter 20.10 (Development Standards), Chapter 20.11 (Specific Use Development Standards), or Chapter 20.12 (Performance Standards), front, side, and rear setbacks for structures shall be maintained in accordance with the regulations of the district within which the structure is located.

20.10.310 SIGNS

Unless otherwise specified within Chapter 20.12 (Performance Standards), signs shall comply with the provisions of Chapter 20.14 (Sign Requirements).

20.10.320 SOIL REPORTS

1. A preliminary soils report, prepared by a geotechnical engineer registered in the State of California, based upon adequate test borings, shall be required for every subdivision for which a final tract map is required, and may be required by the City Engineer for other development applications.
2. In the event the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, could lead to structural defects, a soils investigation of each lot, parcel, or building site in the subdivision or development may be required. Such soils reports must be performed by a geotechnical engineer, registered in the State of California, who shall recommend a corrective action likely to prevent structural damage to each structure proposed to be constructed in the area where such an identified soils problem exists.
3. The subdivision, or other type of development, or any portion thereof where soil problems exist, may be approved by the City Engineer if it is determined that a recommended action would prevent an occurrence of damage to any structure to be constructed and that the issuance of a building permit be subject to the inclusion of such recommended action(s) for the construction of each structure involved.
4. All soils reports prepared specifically for subdivisions shall be kept on file for public inspection by the City, pursuant to the provisions of Section 66434.5 of the Subdivision Map Act.
5. Final soils reports shall certify that all soils meet engineering requirements prior to issuance of any building permit.

20.10.330 SOLAR ENERGY DESIGN**1. Purpose and Intent**

These provisions are intended to incorporate, to the extent feasible, passive heating and cooling opportunities into the design or modifications of residential, commercial, and industrial developments. They are further intended to ensure that solar energy systems in residential, commercial, and industrial areas do not detract from the appearance of the surrounding neighborhood.

2. Design Requirements**a. Active Solar Design**

Notwithstanding any provisions included in this Title related to screening roof-mounted equipment, the following standards shall apply to the design of all solar energy systems:

- (1) To the extent practical roof-mounted solar collectors shall be placed in the location least visible from a public right-of-way without significantly reducing the operating efficiency of the collectors. Wall-mounted and ground-mounted solar collectors shall be screened from public view at street level.
- (2) When feasible, collectors shall be integrated into the design of a building. Structural support for the collectors shall be screened in a manner that is compatible with the design of the building.
- (3) Appurtenant equipment, including plumbing and related fixtures, shall be installed in an attic or basement, where feasible.
- (4) Large accessory fixtures which must be exposed (e.g., storage tanks) shall be screened, where possible, through architectural features that harmonize with other design elements of the structure.
- (5) Storage tanks shall not be located in any required front or side yards except as permitted by section 20.10.30.1.c, and they shall be screened from view from any public right-of-way.
- (6) Exterior collector surfaces shall have a matte finish, and shall be color-coordinated to harmonize with roof materials or other dominant colors of the structure.
- (7) Any pool or spa facilities, other than those intended for a single family detached residence, shall be provided with a solar cover or solar water heating system.

b. Passive Solar Design in accordance with Section 66473.1 of the Subdivision Map Act.

The design of a subdivision for which a tentative map is required pursuant to Section 66426 of the Subdivision Map Act, or other development, shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the development. Examples of passive or natural heating

opportunities in subdivision design, or within other development include, but are not limited to:

- (1) Design of lot size and configuration to permit orientation of structures in an east-west alignment for southern exposure.
 - (2) Design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.
- c. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision or within other residential, commercial, or industrial development for which a subdivision is not involved, consideration shall be given to local climate, contour, configuration of the parcel to be developed, and to other design and improvement requirements. However, such provisions shall not result in reducing allowable densities or the applicable planning and zoning regulations in force at the time the tentative map or other development is filed.
- d. The requirements of this section do not apply to condominium projects that consist of the subdivision of airspace in an existing building when no new structures are added.

20.10.340**SOLID WASTE REUSE AND RECYCLING REGULATIONS****1. Purpose and Intent**

The City must divert fifty percent (50%) of all solid waste by January 1, 2000, through source reduction, recycling, and composting activities, pursuant to Chapter 18, Part 3 of Division 30 of the Public Resources Code (California Solid Waste Reuse and Recycling Access Act of 1991). Diverting fifty percent (50%) of all solid waste requires participation by residential, commercial, industrial, and public sectors.

The lack of adequate areas for collecting and loading recyclable and green waste materials that are compatible with surrounding land uses is a significant impediment to diverting solid waste and constitutes an urgent need for state and local agencies to address access to solid waste for source reduction, recycling, and composting activities. This section has been developed to meet that need.

2. General Requirements

- a. Any new development project (project) for which an application for a building permit is submitted shall include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.
- b. Any improvements for areas of a public facility used for collecting and loading solid waste shall include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.
- c. Any existing development project for which an application for a building permit is submitted for a single alteration which is subsequently performed that adds thirty percent (30%) or more to the existing floor area of the project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.
- d. Any existing project for which an application for a building permit is submitted for multiple alterations which are conducted within a twelve (12) month period which

collectively add thirty percent (30%) or more to the existing floor areas of the project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.

- e. Any existing project for which multiple applications for building permits are submitted for multiple alterations which are subsequently performed that collectively add thirty percent (30%) or more to the existing floor area of the project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.
 - f. Any existing project occupied by multiple tenants, one of which submits an application for a building permit for a single alteration which is subsequently performed that adds thirty percent (30%) or more to the existing floor area of that portion of the project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials. Such recycling and green waste areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the project that said tenant leases.
 - g. Any existing project occupied by multiple tenants, one of which submits an application for a building permit for multiple alterations which are conducted within a twelve (12) month period which collectively add thirty percent (30%) or more to the existing floor area of that portion of the project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials. Such recycling and green waste areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the project that said tenant leases.
 - h. Any existing project occupied by multiple tenants, one of which submits multiple applications for building permits for multiple alterations which are subsequently performed that portion of the project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials. Such recycling and green waste areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the project that said tenant leases.
 - i. Any costs associated with adding recycling and green waste space to existing projects shall be the responsibility of the party or parties who are responsible for financing the alterations.
3. Guidelines for all Development Projects
- a. Recycling areas should be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation, in accordance with such standards.
 - b. The design and construction of recycling and green waste areas shall not prevent security of any recyclable and green waste materials placed therein.
 - c. The design, construction, and location of recycling and green waste areas shall not be in conflict with any applicable federal, state, or local laws relating to fire, building, access, transportation, circulation, or safety.
 - d. Recycling and green waste areas, or bins and/or containers placed therein, must provide protection against adverse environmental conditions, such as rain, which might render the collected materials unmarketable.

- e. Driveways and/or travel aisles shall, at a minimum, conform to local building code requirements for garbage collection access and clearance. In the absence of such building code requirements, driveways and/or travel aisles should provide unobstructed access for collection vehicles and personnel.
 - f. A sign clearly identifying all recycling, green waste, and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the collection areas.
 - g. Developments and transportation corridors adjacent to recycling and green waste areas shall be adequately protected for any adverse impacts such as noise, odor, vectors, or glare through measures including, but not limited to maintaining adequate separation, fencing, and landscaping.
4. Additional Guidelines for Single Tenant Development Projects
- a. Areas for recycling and green waste shall be adequate in capacity, number, and distribution to serve the development project.
 - b. Dimensions of the recycling and green waste area shall accommodate receptacles sufficient to meet the recycling needs of the development project.
 - c. An adequate number of bins or containers to allow for the collection and loading of recyclable and green waste materials generated by the development project should be located within the recycling area.
5. Additional Guidelines for Multiple Tenant Development Projects
- a. Recycling and green waste areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s).
 - b. Dimensions of recycling and green waste areas shall accommodate receptacles sufficient to meet the recycling and green waste needs of that portion of the development project by the tenant who submitted an application or applications resulting in the need to provide recycling and green waste area(s).
 - c. An adequate number of bins or containers to allow for the collection and loading of recyclable and green waste materials generated by that portion of the development project by the tenant(s) who submitted an application or applications resulting in the need to provide recycling and green waste areas should be located within the recycling and green waste area.
6. Location
- a. Recycling and green waste areas shall not be located in any area required to be constructed or maintained as unencumbered, according to any applicable federal, state, or local laws relating to fire, access, building, transportation, circulation, or safety.
 - b. Any and all recycling and green waste areas shall be located so they are at least as convenient to those persons who deposit, collect, and load the recyclable and green waste materials placed therein as the location(s) where the solid waste is collected and loaded. Whenever feasible, areas for collecting and loading

recyclable and green waste materials shall be adjacent to the solid waste collection areas.

20.10.350 STORAGE

The following outdoor storage regulations shall apply in addition to any other standards and requirements of the various districts established by this Title:

1. No sales, rentals, long-term storage, repair work, dismantling, or servicing of any motor vehicle, trailer, airplane, boat, loose rubbish, garbage, junk, or building materials shall be permitted in any front or street side yard of any property, except where such property is an automobile dealership or an automobile rental lot; in which case long term storage for purpose of sale or rental shall be permitted. Repair or servicing of any motor vehicle may occur provided that the work continues for a period not to exceed seventy-two (72) hours. Long-term storage shall mean storage for a period of seventy-two (72) or more consecutive hours.
2. In any residential district, no portion of any vacant or undeveloped parcel, or a parcel where no main building exists, shall be used for storage of the items listed above.
3. Building materials for use on the same parcel or building site may be stored on the parcel or building site during the time that a valid building permit is in effect for construction on the premises.

20.10.360 STREET LIGHTING AND TREE PLANTING

1. Street Lighting
 - a. The provision of street lights shall be required for all tentative tract maps and other residential, commercial, or industrial developments. Street lights shall be placed in accordance with improvement standards approved by City Council.
 - b. At a minimum, a subdivider or developer of a residential, commercial, or industrial development shall construct or enter into an agreement to construct, prior to acceptance and approval of a final map or equivalent approval if a subdivision is not involved, a street lighting system of a utility-owned ornamental system consisting of standard ornamental electroliers customarily furnished by the utility or other design approved by the utility and the City Engineer; or
 - c. The subdivider or developer of a residential, commercial, or industrial development shall be liable for and shall pay charges of such utility attributable to such installation.
 - d. Installation of street lighting shall be underground and shall be in accordance with plans and specifications of or as approved by the serving utility and the City Engineer.
2. Front Yard Tree Planting
 - a. All land divisions governed by this section, Section 20.2.80.6.f of this Title, or by Title 16 of the Municipal Code, shall be required to plant a minimum of one (1) tree per parcel frontage prior to final building inspection based on the following standards:

- (1) Trees shall be chosen from the approved City of Delano Street Tree List for trees, shrubs, and ground covers. Each choice should reflect consideration of the geographic zone involved.
 - (2) Trees shall be located a minimum of ten (10) feet from driveways and from any public sidewalk.
 - (3) For corner lots, street trees shall be required on both street frontages, provided such planting does not interfere with sight distances and setbacks.
 - (4) Exceptions to street tree planting may be permitted by the Community Development Director in cul-de-sacs and on those lots where proper spacing is not possible. Requests for exception shall be made, in writing, to the Community Development Director.
- b. The proposed location of all street trees shall be indicated on the site plans submitted to the Community Development Director for comment and final approval.

20.10.370**TRANSPORTATION CONTROL MEASURES****1. Intent**

It is the intent of this Section, along with other provisions of this Title, to implement the transportation control measures called for in both the latest adopted San Joaquin Air Quality Management Plan and the latest adopted Federal Attainment Plan for Carbon Monoxide.

2. On-Site Pedestrian Walkways and Bicycle Pathways

All new non-residential and multi-family developments of ten(10) or more units shall provide on-site walkways and bicycle pathways connecting each building to adjacent public streets.

3. Passenger Loading Facilities

All new non-residential and multiple-family developments of ten (10) or more units with at least one hundred (100) parking spaces shall provide a minimum of one (1) passenger loading area equivalent to five (5) parking spaces in close proximity to the building entrances and located to avoid interference with on-site vehicle circulation.

4. Vanpool Parking Facilities

All new non-residential developments with a minimum of one-hundred (100) spaces shall provide preferential vanpool parking facilities for a minimum of one (1) space which has a minimum vertical clearance of nine (9) feet for each one-hundred (100) parking spaces.

5. Transit Improvements

All new non-residential and multiple-family developments, along existing or planned transit routes, shall provide transit improvements such as bus pullouts, bus pads, and bus shelters if determined necessary in consultation with Delano Area Rapid Transit, or other locally operated transit systems.

6. Reduced Parking Requirements

Provisions shall be made by the City Council for reduction of on-site parking space requirements for all new non-residential developments on a case by case basis when such developments are linked to other actions, which reduce vehicle trips.

7. County Wide Bicycle Plan

The City shall consider participation in implementation of the County Wide Bicycle Plan upon its adoption.

20.10.380**UNDERGROUND UTILITIES**

1. Requirement for Underground Installation of Utility Lines

All permits dealing with utility lines shall be consistent with all applicable State laws and regulations.

Except as provided in this Title, the following utility lines, existing and proposed shall be installed underground in conjunction with new development projects. Said undergrounding of utility lines shall include, but not be limited to, all new electrical distribution lines, existing electrical distribution lines of 35,000 Volts or less, telephone lines, street light service lines, cable television and similar service wires or cable as which:

- a. provides new service to the property being developed;
- b. are existing and located within the boundaries of the property being developed;
- c. are existing between the property line and the centerline of the peripheral streets of the property being developed; or
- d. are along the project perimeter boundary.

2. Responsibility for Compliance

Arrangements, including payment of all costs, for undergrounding utility lines shall be made by the developer or owner of the property to be developed with the serving utility company(s). Undergrounding of utility lines and structures may be done by the developer, or owner, with permission from the serving utility.

3. Timing of Compliance

Undergrounding shall be completed;

- a. prior to the inspection approval of related street improvements; or
- b. prior to building occupancy if no related street improvements are required.

4. General Exceptions

The following exceptions shall apply:

- a. Temporary overhead utility lines including necessary service poles, wires, and cables may be permitted and installed to the satisfaction of the Building Official for the period during which authorized construction is continuing for which valid building permits have been issued. All temporary overhead utility lines shall be removed prior to the issuance of the Certificate of Occupancy.
- b. Appurtenances and associated equipment including, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts from an underground system, may be placed above ground and installed to the satisfaction of the City Engineer.
- c. In established residential areas where overhead utility lines presently exist along or near lot lines and where an in-fill single family dwelling unit is being developed on a single lot, or where an in-fill two family or duplex dwelling unit is being developed on a single lot overhead utility lines may be permitted and installed to the satisfaction of the City Engineer.

5. Exceptions Approved by the City Engineer

The following further exceptions may apply, subject in each case to the specific written approval of the City Engineer, and then only on the basis of a formal request detailing the reasons therefore:

- a. On developments consisting of three (3) lots or less that do not in total exceed one hundred and fifty feet (150') of frontage for residential, commercial, office professional, business park, public/institutional, or industrial development, the City Engineer may waive construction of underground utility lines along the peripheral streets or property lines, however, all on site utility service lines shall be installed underground. In such a situation, the developer or property owner shall deposit the cost, as determined by the City Engineer, for undergrounding utility lines along the peripheral streets or property lines with the City for future undergrounding work to be done by the City.
- b. A new single family residence constructed in rural undeveloped areas where there are no existing utility lines within a quarter (1/4) mile radius. However, in such a situation, the developer or property owner shall deposit the cost as determined by the City Engineer for undergrounding utility lines along the peripheral streets or property lines with the City for future undergrounding work to be done by the City.

6. Non-Conforming Structures

Buildings and structures which, on the effective date of this Title or any subsequent amendments thereto, are nonconforming in regard to above ground on-site utility lines and structures, may continue to be used, altered or enlarged in the same manner, as if such nonconforming utility lines did not exist.

7. Appeals

An appeal, along with the appropriate fee, may be submitted to the City Council for the consideration of waiving all or portions of the requirements of this Section due to topographic conditions, soil or other factors that render undergrounding unreasonable or impractical. All appeals shall be in writing, and shall state the reason why undergrounding is unreasonable or impractical. Appeals shall include a preliminary estimate of cost, in writing, from the serving utility company(s).

20.10.390

WATER EFFICIENT LANDSCAPE REQUIREMENTS

The purpose and objective of this Chapter is to promote the best interest of the City and its citizens, to conserve a precious and limited natural resource, namely water, to comply with the Water Conservation Act of the State of California, and to establish a comprehensive program for the design, construction, installation and maintenance of water efficient landscapes for all future construction projects in the City of Delano. This chapter is intended to promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible; to establish a structure for designing, installing and maintaining water efficient landscapes and new projects in compliance with Government Code Section 65591.5 and any future amendments thereto; and to establish landscape development standards and guidelines and new projects while promoting the installation of water efficient landscapes.

1. Definitions

The following phrases used in this Ordinance shall have the meanings as set forth below:

- a. "Anti-Drain Valve" or "Check Valve" shall mean a valve located under a rinkler head to hold water in the system so it minimizes drainage from the lower levation sprinkler heads.
- b. "Application Rate" shall mean the depth of water applied to a given area, usually measured in inches per hour.
- c. "Automatic Controller" shall mean a mechanical or solid-state timer, capable of operating valve stations to set the days and length of time of a water application.
- d. "Backflow Prevention Device" shall mean a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- e. "Common Open Space" shall mean the open space within a development that is common to more than one structure often under the control of a homeowners association or assessment district. Common Open Space may include recreational facilities and landscaping.
- f. "Ecological Restoration Project" shall mean a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- g. "Emitter" shall mean drip irrigation fittings that deliver water slowly from the system to the soil.
- h. "Established Period" shall mean the point at which plants in the landscape have developed roots into the soil adjacent to the root ball.
- i. "Establishment Period" shall mean the first year after installing the plant in the landscape.
- j. "Hydrozone" shall mean a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a

naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.

- k. "Infiltration Rate" shall mean the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).
- l. "Landscaped Area" shall mean the entire parcel less the building footprint, driveways, non-irrigated portions of parking lots, hardscapes - such as decks and patios, and other non-porous areas. Water features are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens are not included.
- m. "Lateral Line" shall mean the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- n. "Main Line" shall mean the pressurized pipeline that delivers water from the water source to the valve or outlet.
- o. "Mulch" shall mean any material such as leaves, bark, straw or other materials left loose and applied to the soil surface for the beneficial purpose of reducing evaporation.
- p. "Operating Pressure" shall mean the pressure at which a system of sprinklers is designed to operate, usually indicated at the base of a sprinkler.
- q. "Overhead Sprinkler Irrigation Systems" shall mean those with high flow rates (pop-ups, impulse sprinklers, rotors, etc.).
- r. "Overspray" shall mean the water that is delivered beyond the landscaped area, wetting pavements, walks, structures or other non-landscaped areas.
- s. "Project" shall mean any multi-family housing, industrial, or commercial development.
- t. "Quick Coupler" shall mean a valve with a spring-loaded seat, which is forced open manually by a quick coupler key.
- u. "Rain Sensing Device" shall mean a system that automatically shuts off the irrigation system when it rains.
- v. "Record Drawing" or "As-Built" shall mean a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked upon the field and other data furnished by the contractor.
- w. "Recreational Area" shall mean areas of active play or recreation such as sports fields, schoolyards, picnic grounds, or other areas with intense foot traffic.
- x. "Rehabilitated Landscape" shall mean any re-landscaping project that requires a permit.
- y. "Run-Off" shall mean water that is not absorbed by the soil or landscape to which it is applied and flows from the area. For example, run off may result

from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a severe slope.

- z. "Soil Moisture Sensing Device" shall mean a device that measures the amount of water in the soil.
- aa. "Soil Texture" shall mean the classification of soil based on the percentage of sand, silt, and clay in the soil.
- bb. "Sprinkler Head" shall mean a device which sprays water through a nozzle.
- cc. "Static Water Pressure" shall mean the pipeline or municipal water supply pressure when water is not flowing.
- dd. "Station" shall mean an area served by one valve or by a set of valves that operate simultaneously.
- ee. "Turf" shall mean a surface layer of earth containing mowed grass with its roots. Annual Ryegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore paspalum, St. Augustine grass, Zoysiagrass, and Buffalo grass are warm-season grasses.
- ff. "Valve" shall mean a device used to control the flow of water in the irrigation system.

2. Applicability of Chapter

- a. This Chapter shall apply to all the following projects, except as provided in subsection 20.10.4.10.2 herein below:
 - (1) All new and rehabilitated landscaping for public agency projects
 - (2) Developer installed landscaping in new multi-family projects
 - (3) All private development projects that require a permit or other entitlement from the City
- b. Single family dwelling project or development which contains common open space landscaped areas, and then only as to said common open space landscaped areas within such a development.
- c. This Chapter shall not apply to:
 - (1) Landscaping for single-family dwellings;
 - (2) Cemeteries;
 - (3) Registered historical sites;
 - (4) Ecological restoration projects that do not require a permanent irrigation system;
 - (5) Any project with a landscaped area less than two-thousand five hundred (2,500) square feet;

- (6) Schools, parks, golf courses,
- (7) Church yards where turf provides a playing surface or serves other recreational purposes.

3. Landscape Documentation Package

- a. A landscape documentation package conforming to the requirements of this section shall be submitted to the City as part of all applications for projects that are subject to this Chapter. No permit shall be issued until the appropriate City department has approved the landscape documentation package.
- b. Each landscape documentation package, consisting of three (3) sets, shall include the following elements:
 - (1) A Landscape Design Plan, as defined in section 120.10.430, certified by a licensed landscape architect, licensed landscape contractor, or other licensed or certified professional in a related field; and
 - (2) An Irrigation Design Plan as defined in section 20.10.440, certified by a licensed landscape architect, licensed landscape contractor, irrigation consultant, or other licensed or certified professional in a related field.

4. Landscape Design Plan

A Landscape Design Plan shall be submitted as part of the Landscape Documentation Package and drawn on project base sheets at a scale that accurately and clearly identifies:

- a. Design of hydrozones;
- b. Landscape materials, trees, shrubs, groundcover, turf, and other vegetation. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing and quantities of each group of plants indicated;
- c. Property lines;
- d. Streets, driveways, walkways, and other paved areas;
- e. Pools, ponds, water features, fences and retaining walls;
- f. Existing and proposed buildings and structures including elevations, if applicable;
- g. Natural features including but not limited to rock outcroppings, existing trees, and shrubs that will remain;
- h. Tree planting and staking details;
- i. Location, type, size and conformance of plant materials;
- j. Soil mix;
- k. Location and names of existing and proposed streets;

- l. Area lighting;
- m. Grade elevations;
- n. Other improvements related to site work to be covered by the landscaping contract;
- o. A calculation of the total landscaped area including percentage of turf areas proposed;
- p. Designation of recreation areas;

6. Irrigation Design Plan

An Irrigation Design Plan meeting the following conditions shall be submitted as part of the Landscape Documentation Package.

- a. Runoff and Overspray. Soil types and infiltration rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff.
 - (1) Special attention shall be given to avoid runoff on slopes to avoid overspray in planting areas with a width less than ten feet, and in median strips.
 - (2) No overhead sprinkler irrigation systems shall be installed in median strips less than ten feet wide.
 - (3) The use of low gallonage sprinkler heads when mounding is incorporated into the landscape.
- b. Each irrigation plan shall be drawn on project base sheets. It will be separate from, but the same format as, the Landscape Design Plan and the plan shall show location, type and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain sensing device, quick couplers, and backflow prevention devices.
- c. Equipment.
 - (1) Water meters. All new water services installed shall be metered. Additional water services requested by the property owner for landscaping purposes shall be metered.
 - (2) Controllers. Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design.
 - (3) Valves. Separate valves shall irrigate plants, which require different amounts of water. If one valve is used for a given area, only plants with similar water use shall be used in that area. Anti-drain (check)

valves shall be installed in strategic points to minimize or prevent low-head drainage.

- (4) Sprinkler heads. Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.
- (5) Service Protection. An approved backflow prevention device shall be required immediately downstream from city service connection in accordance with Title 17 of the Public Health, Department of Health Services.
- (6) Rain Sensing Override Devices. Rain sensing override devices shall be required on all irrigation systems.
- (7) Soil Moisture Sensing Devices. It is recommended that soil moisture sensing devices be considered where appropriate.

6. Certification

Upon completion of the installation of the landscaping and irrigation system, and prior to the issuance of a certificate of occupancy, a field observation shall be completed by the project licensed landscape architect, licensed landscape contractor, or other licensed or certified professional in a related field. A Certificate of Substantial Completion shall be submitted to the Community Services Department by the licensed landscape architect, licensed landscape contractor, or other licensed or certified professional in a related field. The certificate shall specifically indicate that the plants were installed as specified, that the irrigation system was installed as designed, along with a list of any deficiencies.

Certification shall be accomplished by completing a Certificate of Substantial Completion, in the form as follows:

CERTIFICATE OF SUBSTANTIAL COMPLETION PROJECT SITE:

PROJECT NUMBER:

PROJECT LOCATION:

POST-INSTALLATION INSPECTION: (Check indicating substantial completion)

☐ A. Plants installed as specified

☐ B. Irrigation system installed as designed

☐ C. Project submittal package and a copy of certification has been provided to owner/manager and City of Delano

COMMENTS:

I/We certify that work has been installed in accordance with the contract documents.

Licensed Landscape Contractor/Installer /Signature/Date /State License Number

I/We certify that work has been installed in accordance with the contract documents.

Landscape Architect/Designed/Signature/Date/State License Number

I/We certify that I/we have received all of the contract documents and that it is our responsibility to see that the project is maintained in accordance with the contract documents.

Owner Signature Date

Note: Authority cited Section 65594, Government Code. Reference: Section 65597, Government Code.

Return to
Community Services Department 925 Ellington Street Delano, Ca. 93215; Phones (661) 721-3335 Fax: (661) 720-9760

7. Landscape Development Standards

The following landscape development standards are hereby imposed on all projects subject to this Chapter:

a. General Standards:

- (1) All exterior areas not set aside for parking, storage, driveways, and walkways or loading areas shall be landscaped. A minimum of five percent (5%) of the gross lot area shall be so utilized,
- (2) Landscaping shall be used to screen storage areas, trash enclosure, parking areas, public utilities and other similar land uses or elements which do not contribute to the enhancement of the surrounding area. Landscape screening shall be of a height and density so that it provides the desired effect within three (3) years growing time,
- (3) At least ninety percent (90%) of the plants selected in non-turf areas shall be well suited to the climate of the region and require minimal water once established. Up to ten percent (10%) of the plants may be of a non-drought tolerant variety, but shall be grouped together and irrigated separately. A plant list is available from the City's Community Services Department,
- (4) All landscaping plans shall be reviewed by the Community Services Department as to type, density of planting and size of plants intended for use; and
- (5) All landscaping on public property and parks shall conform to standards adopted by the City Council on the recommendation of the Community Services Director.

b. Trees:

- (1) Planters with street frontage shall have a general minimum standard of one (1) fifteen (15) gallon tree for each twenty (20) feet of frontage; and
- (2) Trees planted in parking lots shall be of a type that will form a full head on a single trunk.

c. Shrubs:

- (1) At least twenty-five percent (25%) of shrubs planted shall be of five (5) gallon minimum size; and
- (2) Shrubs within a required setback shall be spaced in such a way as to achieve a minimum of five (5) plants per one-hundred (100) square feet.

d. Mounding:

- (1) Turf on mounds requires slope rates no steeper than 1:8. Mounds with groundcovers require slope rates no steeper than 1:5. Steeper slopes may be allowed for shrub applications if irrigated by drip system; and
- (2) Mounds shall be compacted prior to planting to prevent excessive settlement. To reduce runoff, till in three (3) inches of forest humus into the top six (6) inches of soil on the entire surface of mound; and
- (3) Plastic lining material is not permitted under woodchips on mounds, or slopes in general.

e. Ground Cover:

- (1) To achieve desired coverage, low-growing, lawn substitute ground cover plants taken from flats shall be planted a maximum of twelve inches (12") on center. This type of groundcover shall be limited to 25% of the total living ground cover area, or except as approved by the Community Services Director.
- (2) Low-growing, lawn substitute, shrub type ground covers in one (1) gallon cans shall be planted a maximum of two (2) feet on center. Spacing may be increased to three (3) feet on center for fast growing plants as approved by the Parks and Community Services Department.

f. Turf:

- (1) Turf shall be limited to fifty percent (50%) of the total landscaped area.
- (2) No turf will be allowed in the following applications:
 - (a) Parkways or planting areas less than four (4) feet in width;
 - (b) Storm drainage ponds with slopes steeper than 1:6;
 - (c) On mounds or slopes steeper than 1:8.
- (3) Exceptions to turf in parkways or planting areas may be granted in cases where pedestrian access is necessary

g. Irrigation:

- (1) Water efficient systems (drip, mini-spray, bubbler type) shall be used whenever feasible.

- (2) All irrigation systems shall be equipped with an automatic controller capable of dual or multiple programming. Controllers must have multiple cycle capabilities and a flexible calendar program.
- (3) Separate valves shall be installed based on water use of planting and exposure on irrigation systems with seven (7) or more valves. Separate valves on all irrigation systems regardless of size shall irrigate turf areas and non-turf areas.
- (4) Sprinkler heads must have matched precipitation rates within each control valve.
- (5) Sprinkler head coverage shall be designed for head-to-head coverage and placed at a maximum of fifty percent (50%) of the diameter of throw for square spacing and sixty percent (60%) for triangular spacing.
- (6) Overhead sprays shall not throw water onto hardscape or other non-planted or bare ground areas, including sidewalks between landscaped areas.
- (7) Pop-up sprinklers in turf areas must have at least a four (4) inch pop-up height and must clear all plant material and obstacles in its throw zone.
- (8) Serviceable check valves or separate valves according to water zones are required where elevation differential may cause low head drainage.
- (9) Drip or bubbler irrigation systems are required on all trees and shrubs regardless if planted alone, in groundcover or turf areas.
- (10) Automatic rain shut-off devices shall be required on all irrigation systems with seven (7) or more valves.

8. Parking Lot Shading Requirements

It is the purpose of this section to provide reasonable standards for landscaping of uncovered automobile parking areas. The standards as set forth are to promote an attractive visual environment, promote a transition between land uses, and reduce energy consumption in buildings and to decrease high summer temperature by blocking heat and glare.

All automobile parking areas with a capacity of eight (8) parking spaces or more shall contain shade trees so that within fifteen (15) years of planting forty percent (40%) of the parking stalls and back-up aisles shall be in shade. This standard will require a minimum of one (1) tree well or planter at a maximum ratio of one (1) tree for each eight (8) parking spaces. When special circumstances or exceptional characteristics are applicable to the property involved (size, slope, extent of use, etc.) this standard may be modified by the City Council.

Factors to be considered in determining compliance with this requirement are as follows:

- a. Shade trees shall generally be evenly distributed throughout the parking surface area. Multiple canopies shading the same surface area shall not be counted as multiple credits.
- b. Trees planted along the perimeter of a lot may be counted as providing shade for only that portion of the paved area that is shaded.
- c. Landscaped planters beneath the canopy may be considered shaded paved parkway areas for determining compliance.
- d. All trees shall be installed within a tree well or continuous planter entirely enclosed within a concrete curb not less than six (6) inches high. Growing area shall not be less than four (4) feet wide.
- e. Shrubs and trees shall be arranged in such a way as to avoid damage from the front of parked cars extending into the planter area.
- f. Tree placement shall permit adequate sight-distance for motorists and pedestrians and shall not interfere with the effectiveness of parking lot lighting.

9. Maintenance of Landscaping

All landscaping and structural features that are required pursuant to this Chapter shall be maintained in a healthy and attractive condition. Maintenance shall include but is not limited to watering, fertilizing, weeding, cleaning, pruning, trimming, spraying and cultivating. For purposes of enforcement, the owner and the occupant of the property shall be responsible for such maintenance. In the case of a vacant building, the owner shall be responsible for such maintenance.

10. Landscaping of Model Homes

Notwithstanding the provisions of Section 20.10.410, and as to this section only, any new single family project or development:

- a. Consisting of eight (8) or more lots;
- b. In which one (1) or more model homes are built; and
- c. Which landscapes said model home(s), shall provide the following:
 - (1) At least one such landscaped model home shall comply with the requirements of this Chapter; and
 - (2) A four (4) square foot sign shall be placed in the front yard of each said model home that contains such water efficient landscaping, such that it is clearly visible to pedestrian and vehicular traffic. Said sign shall state that the model features a water saving landscape and irrigation system; and
 - (3) Within said model, there shall be located a drawing, or combination of drawings, providing a schematic and description of the landscaping and irrigation system, including a key identifying the common names of all plantings which are part of said landscaping.

11. Appeals

Any party disagreeing with any decision of a City department pursuant to the provisions of this Chapter may appeal such decision in writing within ten (10) days of such action to the City Council. Thereafter within thirty (30) days, the City Council shall hold a public hearing and rule on said appeal. The decision of the City Council shall be final.

12. Enforcement & Penalties

- a. No certificate of occupancy shall be issued for any project for which landscaping is required pursuant to this Chapter, until all landscaping and improvements shown on the approved plans have been completed. The Planning and Building Department may issue a temporary certificate of occupancy, where completion of the landscaping work is delayed because of adverse weather. An extension may be granted upon execution of an agreement with the City and providing a cash deposit or letter of credit in an amount equal to the cost of completing the work. If modification or changes to submitted landscape plans have been previously approved, as-build plans shall be submitted prior to occupancy.
- b. Any violation of the provisions of this Chapter shall be subject to the provisions of sections 20.1.40 and 20.1.50 of this Title.

CHAPTER 20.11

CHAPTER 20.11

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SPECIFIC USE DEVELOPMENT STANDARDS

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20.11.10 **PURPOSE AND INTENT**

It is the purpose and intent of this Chapter to identify land uses and activities which possess the potential to cause deleterious effects to the community in which they are located, and to subject such uses to specific regulations with the intent of minimizing, to the extent practical, these deleterious effects. Further, it is intended that in the zone districts in which these land uses are permitted, they are conducted in a manner which is consistent with the protection of the public health, safety, and welfare in accordance with the goals, policies, objectives and implementation programs contained in the General Plan.

It is further determined that it is in the interest of public health, safety and welfare of the citizens of the City to protect minors from viewing publicly displayed harmful matter, and that pursuant to Penal Code Section 313.1(d) and (e) the City is authorized to adopt ordinances which restrict the display of harmful matter to minors by the use of blinder racks. It has also been found that there exists an increasing trend toward the display of harmful matter, within the meaning of Penal Code Section 313, at grocery stores, convenience stores, video stores, and other retail outlets, as well as from newsracks, and that restriction of public display of such harmful matter will keep the adverse impacts of such harmful matter upon minors to a minimum.

20.11.20 **APPLICABILITY**

The provisions of this Chapter shall apply to the activities and land uses specified by this section in addition to any standards and regulations established by this Title which may also be applicable to these specified land uses or activities.

20.11.30 **ADULT ENTERTAINMENT**

1. Applicability. It is the intent of this Chapter to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of Adult-Oriented Businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of Adult-Oriented Businesses causes an increase in the number of transients in the area, and an increase in the crime, and in addition the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this Title to establish reasonable and uniform regulations to prevent the concentration of Adult-Oriented Businesses or their close proximity to incompatible uses, while permitting the location of Adult-Oriented Businesses in certain areas.
2. Findings of the City Council.
 - a. The City Council, in adopting this ordinance, takes legislative notice of the existence and content of the following studies concerning the adverse secondary side effects of Adult-Oriented Businesses in other cities: American Center for Law and Justice (1996); New York, New York (1994); State of New Jersey (1994); Garden Grove, California (1991); Tucson, Arizona (1990); Seattle, Washington (1989); Austin, Texas (1986); Oklahoma City, Oklahoma (1986); Indianapolis, Indiana (1984); Houston, Texas (1983); Beaumont, Texas (1982); Minneapolis, Minnesota (1980); Phoenix, Arizona (1979); Whittier, California (1978); Amarillo, Texas (1977), Cleveland, Ohio (1977); Los Angeles, California (1977). The City Council finds that these studies are relevant to the problems addressed by the City in enacting this ordinance to regulate the adverse

secondary side effects of Adult-Oriented Businesses, and more specifically finds that these studies provide convincing evidence that:

- 1) Adult-Oriented Businesses are linked to increases in the crime rates in those areas in which they are located and in surrounding areas.
 - 2) Both the proximity of Adult-Oriented Businesses to sensitive land uses and the concentration of Adult-Oriented Businesses tend to result in the blighting and deterioration of the areas in which they are located.
 - 3) The proximity and concentration of Adult-Oriented Businesses adjacent to residential, recreational, religious, educational and other Adult-Oriented Business uses can cause other businesses and residence to move elsewhere.
 - 4) There is substantial evidence that an increase in crime tends to accompany, concentrate around and be aggravated by Adult-Oriented Businesses, including, but not limited to, an increase in the crimes of narcotics distribution and use, prostitution, pandering and violence against persons and property. The studies from other cities establish convincing evidence that Adult-Oriented Businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values.
- b. Based on the foregoing, the City Council finds and determines that special regulation of Adult-Oriented Businesses is necessary to ensure that their adverse secondary side effects will not contribute to an increase in crime rates or to the blighting or deterioration of the areas in which they are located or surrounding areas. The need for such special regulations is based upon the recognition that Adult-Oriented Businesses have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in direct proximity to sensitive uses such as parks, schools, churches, thereby having a deleterious effect upon the adjacent areas. It is the purpose and intent of these special regulations to prevent the concentration of Adult-Oriented Businesses and thereby prevent such adverse secondary side effects.
- c. The locational requirements, established by this Chapter, do not unreasonably restrict the establishment or operation of constitutionally protected Adult Oriented Businesses that are provided by this ordinance.
- d. In developing this ordinance, the City Council has been mindful of legal principles relating to regulation of Adult-Oriented Businesses and does not intend to suppress or infringe upon any expressive activities protected by the First Amendments of the United States and California Constitutions, but instead desires to enact reasonable time, place and manner regulations that address the adverse secondary effects of Adult Oriented Businesses. The City Council has considered decisions of the United States Supreme Court regarding local regulations of Adult-Oriented Businesses, including but not limited to: Young v. American Mini Theaters, Inc. 427 U.S. 50 (1976) (Reh. Denied 475 U.S. 1132); FWIPBS, Inc. v. Dallas, 493 U.S. 215 (1990); Barnes v. Glenn Theater, 501 U.S. 560 (1991); United States Court of Appeals 9th Circuit decisions, including but not limited to: Topanga Press, et al. v. City of Los Angeles, 989 F.2d 1524 (1993); several California cases including but not limited to: City of National City

v. Wiener, 3 Cal.4th 832 (1993); People v. Superior Court (Lucero) 49 Cal.3d 14 (1989); and City of Vallejo v. Adult Books et al., 167 Cal.App.3d 1169 (1985); and other federal cases including Lakeland Lounge v. City of Jacksonville (5th Cir. 1992) 973 F.2d 1255, Hang On, Inc. v. Arlington (5th Cir. 1995) 65 F.3d 1248, Mitchell v. Commission on Adult Entertainment (3d Cir. 1993) 10 F.3d 123, International Eateries v. Broward County (11th Cir. 1991) 941 F.2d 1157, and Star v. Satellite v. City of Biloxi (5th Cir. 1986) 779 F.2d 1074.

- e. The City Council also finds that locational criteria alone do not adequately protect the health, safety and general welfare of the citizens of the City, and thus certain requirements with respect to the ownership and operation of Adult-Oriented Businesses are in the public interest. In addition to the findings and studies conducted in other cities regarding increases in crime rates, decreases in property values and the blighting of areas in which such businesses are located, the City Council also takes legislative notice of the facts recited in the case of K v, Inc. v. Kitsav County, 793 F.2d 1053 (1986), regarding how live adult entertainment results in secondary effects such as prostitution, drug dealing, and other law enforcement problems.
- f. The City Council finds the following, in part based upon its understanding of the documents and judicial decision in the public record:
 - (1) Evidence indicates that some dancers, models and entertainers and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in Adult-Oriented Businesses (collectively referred to as 'performers') have been found to engage in sexual activities with patrons of Adult-Oriented Businesses on the site of the Adult-Oriented Business;
 - (2) Evidence has demonstrated that performers employed by Adult-Oriented Businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;
 - (3) Evidence indicates that performers at Adult-Oriented Businesses have been found to engage in acts of prostitution with patrons of the establishment;
 - (4) Evidence indicates that fully enclosed booths, individual viewing areas, and other small rooms whose interiors cannot be seen from public areas of the establishment regularly, have been found to be used as a location for engaging in unlawful sexual activity;
 - (5) As a result of the above, and the increase in incidents of AIDS and Hepatitis B, which are both sexually transmitted diseases, the City has a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility of the occurrence of prostitution and casual sex acts at Adult-Oriented Businesses.
- g. Zoning, licensing and other police power regulations are legitimate, reasonable means of accountability to help protect the quality of life in the City and to help assure that all operators of Adult-Oriented Businesses comply with reasonable regulations and are located in places that minimize the diverse secondary effects which naturally accompany the operation of such businesses.
- h. The City Council recognizes the possible harmful effects on children and minors exposed to the effects of such Adult Oriented Businesses and the deterioration

of respect for family values, and the need and desire of children and minors to stay away from and avoid such businesses, which causes children to be fearful and cautious when walking through or visiting the immediate neighborhood of such businesses; and the City Council desires to minimize and control the adverse secondary side effects associated with the operation of Adult-Oriented Businesses and thereby protect the health, safety, and welfare of the citizens of the City; protect the citizens from increased crime; preserve the quality of life; preserve the property values and the character of surrounding neighborhoods and businesses; deter the spread of urban blight and protect against the threat to health from the spread of communicable and sexually transmitted diseases.

- i. It is not the intent of the City Council in enacting this ordinance, or any provision thereof, to condone or legitimize the distribution of obscene material, and the City Council recognizes that state law prohibits the distribution of the obscene materials and expects and encourages law enforcement officials to enforce state obscenity statutes against such illegal activities in the City.
- j. Nothing in this ordinance is intended to authorize, legalize, or permit the establishment, operation or maintenance of any business, building, or use which violates any City ordinance or any statute of the State of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter or the exhibition or public display thereof.
- k. The City Council finds the following in part, based upon its understanding of the documents and judicial decisions in the public record:
 - (1) Evidence indicates that some dancers, models and entertainers and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in Adult-Oriented Businesses (collectively referred to as 'performers') have been found to engage in sexual activities with patrons of Adult-Oriented Businesses on the site of the Adult-Oriented Business;
 - (2) Evidence has demonstrated that performers employed by Adult-Oriented Businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;
 - (3) Evidence indicates that performers at Adult-Oriented Businesses have been found to engage in acts of prostitution with patrons of the establishment.
- l. In prohibiting public nudity in Adult-Oriented Businesses, the City Council does not intend to proscribe the communication of erotic messages or any other communicative element or activity, but rather only to prohibit public nudity due to the secondary impacts associated with such public nudity; and
- m. The City Council also finds, as a wholly independent basis, that it has a substantial public interest in preserving societal order and morality, and that such interest is furthered by a prohibition on public nudity; and
- n. While the City Council desires to protect the rights conferred by the United States Constitution to Adult-Oriented Businesses, it does so in a manner that ensures the continued and orderly development of property within the City and diminishes, to the greatest extent feasible, those undesirable secondary effects which the aforementioned studies have shown to be associated with the development operation of Adult-Oriented Businesses; and

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- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
 - (2) Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (3) Masturbation, actual or simulated;
 - (4) Excretory functions as part of or in connection with any of the other activities described in subdivision (a) through (c) of this subsection
- c. Adult-Oriented Business. As used herein, "adult-oriented business" shall mean any of the following:
1. Adult Arcade. The term "adult arcade" as used in this chapter, is an establishment where, for any form of consideration one or more still or motion picture projectors, video cassettes, or other similar image producing devices are maintained to show images for viewing by five (5) or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slide or other photographic reproductions twenty-five percent (25%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 2. Adult Bookstore. The term "adult bookstore" as used in this chapter, is an establishment that sells or rents books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, slides, tapes, video cassettes, records, or any other form of visual or audio representation twenty-five percent (25%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 3. Adult Cabaret. The term "adult cabaret" as used in this chapter means a nightclub, bar, restaurant, or similar business establishment which (1) regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or (2) which regularly features persons who appear semi-nude; and/or (3) shows films, computer generated images, motion pictures, video cassettes, slide, or other photographic reproduction twenty-five percent (25%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 4. Adult Hotel or Motel. The term "adult hotel or motel" as used in this chapter, means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 5. Adult Motion Picture Theater. The term "adult motion picture theater" as used in this chapter, is a business establishment where, for any form of

consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and twenty-five percent (25%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

6. Adult Newstands. The term "adult newsstands" as used in the chapter, shall mean the following:
 - a. Any coin-operated machine or device that dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas;
 - b. Any shelf, countertop, or rack, indoor or outdoor, used for displaying for sale, rental, or other use to the public, magazines, newspapers, video cassettes, or other periodicals substantially devoted to the depiction of specified sexual activities or specified anatomical areas where twenty-five percent (25%) of the area is devoted to said uses in non-adult businesses. This does not apply to interior display fixtures in approved adult entertainment businesses.
7. Adult Theater. The term "adult theater" as used in this chapter, means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.
8. Church. The term "church" as used in this chapter, means an institution that people regularly attend to participate in or hold religious services, meetings, or other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.
9. Distinguished or Characterized by an Emphasis Upon. As used in this chapter, the term "distinguished or characterized by an emphasis upon" shall mean and refer to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Covina, 115 Cal.App.3 151 (1981).
10. Modeling Studio. The term "modeling studio" as used in this chapter, means a business which provides, of pecuniary compensation, monetary or other consideration, hire or reward, figure models who for the purposes of sexual stimulation of patrons, display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated or maintained by an individual artist or group of artists, and which does not provide, permit, or make available "specified sexual activities."

11. Regularly Features. The term "regularly features" with respect to an adult theater or adult cabaret means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two (2) or more occasions within a thirty (30) day period; of four (4) or more occasions within a one hundred eighty (180) day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.
12. School. The term "school" as used in this ordinance is any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.
13. Semi-Nude. The term "semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.

5. General Provisions

Adult oriented businesses may be permitted in compliance with the provisions of this Chapter where the Land Use Designation of the General Plan for the subject property is "Industrial" or "Community Retail Commercial" and where the zone district in which the subject property is located is "Industrial" or "Community Retail Commercial," subject to the limitations and design standards specified within said zone districts in accordance with the provisions of this Chapter.

6. Development Standards

a. Minimum Proximity Requirements

The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property upon which the proposed land use is to be located to the nearest point of the property from which the proposed land use is to be separated.

b. Adult-oriented businesses shall not be established or conducted within:

- (1) 1,000 feet of any residential use;
- (2) 1,000 feet of any funeral parlor, mortuary, or similar facility;
- (3) 1,000 feet of a public or private school for minors;
- (4) 1,000 feet of a licensed day care facility for minors;
- (5) 1,000 feet of a church, synagogue or other place of worship;
- (6) 1,000 feet from any other adult entertainment business; and

- (7) 1,000 feet of any publicly used facility, such as parks, libraries, any civic buildings, however, this subsection shall not apply to such uses as public utility facilities such as the Delano Airport, utility plants, and similar uses.
- c. Exterior Display
- No adult entertainment business shall be operated in a way that permits observation of material depicting or describing "Specified Anatomical Areas" or "Specified Sexual Activities," as defined in this Title, from any location outside of the building in which an adult entertainment business is operating.
- d. Advertising structures, advertisements, displays or other promotional material depicting "specified anatomical areas" or "specified sexual activities" or displaying instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" shall not be visible from the outside of a building. Further, no building shall be painted in garish colors or such other fashion that will effectuate the same purpose as a sign.
- e. All building openings, entries and windows for adult-oriented businesses shall be located, covered, or screened in a manner to prevent a view into the interior from any exterior public or semipublic area.
- f. No loudspeakers or sound equipment shall be used for adult-oriented businesses that can be discerned by the public from public and/or semipublic areas.
7. An interior sign, with a minimum surface area of four (4) square feet, shall be posted in a prominent location inside the adult entertainment business, stating, in English and Spanish as follows:
- "Penal Code Section 314 (Indecent exposures: Exhibitions: Penalty.) Every person who willfully and lewdly, either:
- a. Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or,
- b. Procures, counsels, or assists any person to expose himself or take part in any model artist exhibition, to make any other exhibition of himself to public view, to view any number of persons engaged in actions deemed an offense to decency, or be adapted to excite to vicious or lewd thoughts or acts, is guilty of a misdemeanor."
8. Operational Requirements
- a. All activities pertaining to the operation of an adult entertainment business shall be conducted inside the walls of the proposed building and shall be out of sight and sound from any location outside the building. This shall not apply to approved outdoor signage, for the purpose of notifying potential customers of the business.
- b. Within the adult entertainment business, all image producing devices shall be located so that the machines are open to view from any side and are without obstructions or separations that would block from open sight, any patrons using said machines.

- c. A responsible adult shall be present on the premises at all times and shall observe and supervise the use of all image-producing devices and all areas of the business available to public access. Adult entertainment businesses containing over forty (40) image-producing machines shall require the presence of two (2) responsible adults to observe and supervise all areas of the business available to public access.
 - d. Facility Design Requirements: All adult entertainment businesses, other than such businesses that are established as a tenant within an industrially zoned center containing multiple tenants, shall be designed and constructed to blend into, and appear as an integral part of, the built environment that characterizes the surrounding area.
 - e. Exclusion of Minors: Access to any adult entertainment business by a minor shall be prohibited. A sign shall be posted on all entrances restricting inclusion or entrance of minors. No minors shall be employed by any adult entertainment business nor permitted entrance into the premises.
 - f. Minimum Lighting: No person shall operate an adult entertainment business, excluding Adult Motion Picture Theaters, unless a light level of not less than two (2) foot candles at floor level is maintained in every portion of said establishment to which the public is admitted.
 - g. Maximum Occupancy Load: No person shall operate an adult entertainment business in which the number of persons in any room or partitioned portion of a room where an image-producing device is located exceeds one (1) person per thirty (30) square feet. The maximum occupancy permitted in any room or partitioned portion of a room in which any image-producing device is located shall be conspicuously posted by the operator and shall remain posted at the entrance of said room.
 - h. Maximum Number of Devices: No person shall operate an adult entertainment business in which the number of image-producing devices exceeds the maximum occupancy load permitted in any room or partitioned portion of a room in which an image-producing device is located.
 - i. Free Access to Law Enforcement, Fire, Health and Safety Personnel, City Inspectors: No person shall deny access to an adult entertainment business for the purpose of a reasonable inspection to enforce compliance with building, fire, electrical, health or plumbing regulations or California State Law.
 - j. Other Remedies: The provisions of subsection "j" are to be construed as added remedies not in conflict with or derogation of any other actions or proceedings or remedies otherwise provided by law.
9. Nonconforming Establishments
- a. Any adult entertainment business established and conducted as a lawful business and a lawful use at the time this Title became effective, has been in continuous operation since that time, and is not in conformance with the requirements of this title shall be recognized as a legal non-conforming use.
 - b. Any non-conforming adult entertainment use shall not be enlarged or changed by any of the following means, unless such a change will bring the business into full compliance with the requirements of this section.

- (1) Increase in the size of the floor area or use area of a building or portion of a building in which the business is located;
 - (2) Use of an adjacent building in whole or part, whether on the same lot or an adjacent lot.
 - (3) Conversion of an existing adult entertainment business to any other adult entertainment business; and
 - (4) Addition of another adult entertainment business to an existing adult entertainment business.
- c. The establishment of any land use specified in section 20.11.30.3.b of this Chapter, within the prescribed distances to an existing adult-oriented business, shall not, by establishment of that land use, require the removal of the adult-oriented business, provided that the adult-oriented business is a legal use or a legal nonconforming use and is in conformance with all provision of this Title and other applicable ordinances and statutes.

10. Amortization of nonconforming adult-oriented business uses.

Any use of real property existing on the effective date of this Title, which does not conform to the provisions of section 20.11.30 of this Chapter but which was constructed, operated and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use which may be continued for ten (10) years after the effective date of this ordinance. On or before such date, all such nonconforming uses shall be terminated unless an extensions of time has been approved by the City Council in accordance with the provisions of this Chapter.

- a. Abandonment. Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as an Adult-Oriented Business shall result in a loss of legal nonconforming status of such use.
- b. Amortization - Annexed Property. Any Adult-Oriented Business which was a legal use at the time of annexation of the property and which is located in the City, but which does not conform to the provisions of this Chapter shall be terminated within ten (10) years following the date of annexation unless an extension of time has been approved by the City in accordance with the provisions of this Chapter.

11. Extension of time for termination of nonconforming use.

The owner or operator of a nonconforming use as described in this Chapter may apply under the provisions of this section to the City Council for an extension of time within which to terminate the nonconforming use.

- a. Time and Manner of Application. An application for an extension of time within which to terminate a use made nonconforming by the provisions of this Chapter may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. Such an application must be filed with Community Development Department at least ninety (90) days but no more than one hundred eighty (180) days prior to the time in which to terminate such use.
- b. Content of Application; Fees. The application shall state the ground for requesting an extension of time. The filing fee for such application shall be the same as that for a variance as is set forth in the schedule of fees established by resolution from time to time by the City Council.

- c. Hearing Procedure. The City Manager shall appoint a hearing officer to hear the application. The hearing officer shall set the matter for hearing within forty-five (45) days of receipt of the application. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness. The decision of the hearing officer shall be final and subject to judicial review pursuant to Code of Civil Procedure section 1094.6.
- d. Approval of Extension; Findings. An extension under the provisions of this section shall be for a reasonable period of time commensurate with the investment involved, and shall be approved only if the hearing officer makes all of the following findings or such other findings as are required by law.
 - (1) The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted to another use; and such investment was made prior to the effective date of this section 20.11.30 of this Chapter.
 - (2) The applicant will be unable to recoup said investment as of the date established for termination of the use; and
 - (3) The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with the provisions of this Chapter.

12. Regulations Non-Exclusive

- a. Nothing in this section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City ordinance or Statute of the State of California regarding public nuisance, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof.
- b. The regulations set forth in this section are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of adult entertainment establishments set forth elsewhere in applicable ordinances.

13. Display of harmful material to minors prohibited.

- a. It shall be unlawful to display, cause to be displayed, or permit to be displayed for commercial purposes any harmful matter in any public place except for a public place from which minors are excluded.
- b. Harmful matter is not considered to be displayed if it is located in an area that places such material reasonably beyond the reach of a minor and a device, commonly known as a blinder rack, is placed in front of such harmful matter.

- c. Any person who sells or rents video recordings containing harmful matter shall comply with Penal Code Section 313.1.(e) which requires the creation of a separate area within a business establishment for the placement of such video recordings for display of any material advertising the sale or rental of such video recordings. Additionally, any harmful matter, placed or displayed in that separate area, must be obscured by a blinder rack if the harmful matter can be viewed by persons outside that area.
- d. Any newsrack, which offers harmful matter for sale, must place a blinder rack in front of such harmful matter so as to obscure the lower two-thirds of the material displaying said harmful matter. For purposes of this subsection, a wrapper which obscures the lower two-thirds of the material and which is fastened securely to the material may be used in lieu of a blinder rack.

20.11.40 KEEPING OF ANIMALS

1. Intent

This section is intended to ensure that keeping of animals or husbandry land uses do not create adverse impacts to adjacent properties such as dust, noise, odor, fumes, bright light, visual blight, or insect infestation.

2. Applicability

All keeping of animals or husbandry land uses conducted shall comply with the provisions of this section in addition to applicable provisions of the zone district in which the said use is located.

3. Pre-Existing Uses

Legally established keeping of animals and husbandry use which would, as a result of the adoption of this Chapter become nonconforming with this section, be permitted to continue as a "legal nonconforming use", provided, that the use meets the criteria for legal nonconforming uses, pursuant to section 20.2.120 (Nonconforming Use and Structure Provisions) of this Title.

4. Permitted Uses

The following uses are permitted uses on each residential parcel in the City. For purposes of calculating allowed number of animals, remainders of area or of animals shall be rounded down.

- a. The following standards apply to the keeping of domestic pets within R-A, R-1, R-2, and R-3 zone districts.
 - (1) On lots smaller than one-quarter (1/4) acre, the keeping of dogs or cats shall not exceed two (2) adult dogs or two (2) adult cats or a combination totaling not more than four adult animals on any one lot.
 - (2) On lots of one-quarter (1/4) acre or greater, two (2) adult dogs or two (2) adult cats or a combination totaling not more than four (4) adult animals may be kept on a parcel for each one-quarter (1/4) acre of net lot area, up to a maximum of six (6) adult dogs or six (6) adult cats; or a combination totaling not more than eight (8) adult animals.

- (3) The keeping of up to five (5) domestic, adult household pets, other than dogs and cats, including domestic birds, rabbits, hamsters, rats, mice, etc. shall be permitted in any combination of species for each one-quarter (1/4) acre of net lot area, provided the total number of adult household pets kept does not exceed ten (10) animals on any one lot.
- b. The following standards apply to the non-commercial keeping of horses within the R-A zone district.

One horse or pony may be kept on any lot with an area no less than one (1) acre. One additional horse or pony, or combination thereof, may be kept for each additional one-half (1/2) acre on the same lot up to a maximum of six (6) such animals.
- c. Non-commercial keeping of the following animals, in any combination, may be permitted within the "R-A" zone district:
 - (1) Goats, sheep, and other small sized cleft hoof animals.
 - (a) No goats, sheep or other small sized cleft hoof animals shall be kept on any lot with a net area of less than one-half (1/2) acre.
 - (b) Two adult goats, sheep or other small sized cleft hoof animals may be kept for each additional one-quarter (1/4) acre up to a maximum of eight (8) adult animals total, in any combination thereof.
 - (2) Cattle (Bovines)
 - (a) No cattle or bovines shall be kept on any lot or parcel with a net area of less than one (1) acre.
 - (b) One bovine may be kept for each additional one-half (1/2) acre up to a maximum of six (6) bovine.
 - (3) Minimum distance for structures used for habitation of animals, such as stalls, pens, coops, but not including property line fences, shall be as follows: ten (10) feet from a residential building on the same lot; thirty (30) feet from off-site residential structures or other structures used for human habitation; one-hundred (100) feet from the front lot line; twenty-five (25) feet from a street side lot line on a corner lot; and seventy-five (75) feet from a public park, school, hospital, or similar institution.
- d. Student Oriented Projects

The breeding and raising of livestock, in greater numbers than allowed in this Chapter, by minors in conjunction with a student-oriented fair project sponsored by a bona fide agricultural organization shall be permitted upon application to and approval by the Community Development Director.

 - (1) Application Contents. An application for a Temporary Animal Permit shall include the following:

- (a) The name and address of the applicant.
 - (b) The name(s) and address(es) of the property owner(s).
 - (c) Assessor's parcel number(s).
 - (d) Legal description of the subject property.
 - (e) Name of the organization sponsoring the applicant.
 - (f) A plot plan showing the location of proposed pens, coops, or areas for the breeding and raising of animals in relation to existing residence(s) and other buildings and structures within one hundred (100) feet of pens, coops, or areas housing livestock.
 - (g) The signature of each owner of the real property abutting the subject lot consenting to the granting of the Temporary Animal Permit.
- (2) Development Standards and Conditions. The breeding and raising of animals on a temporary basis shall comply with the following standards and conditions:
- (a) Applicant shall be sponsored by a bona fide organization, such as, but not limited to, Future Farmers of America, 4-H Club, Cow-Belles, or Junior Farmers.
 - (b) The increase in animal density shall not exceed one (1) horse, donkey, mule, cow, dairy stock, goat, hog, sheep, or other similar animal per one-quarter (1/4) acre of lot area. In any case, no more than six (6) additional animals shall be allowed.
 - (c) A Temporary Animal Permit shall be effective for a period of six (6) months from the effective date of the permit. No more than one (1) such permit shall be approved for any lot within a one (1) year period.
 - (d) The written consent of each abutting property owner consenting to the granting of a Temporary Animal Permit must be obtained.
 - (e) The applicant shall allow inspection of animal maintenance facilities by the Kern County Health Department and City staff.
 - (f) The Community Development Director may revoke a Temporary Animal Permit at any time for noncompliance with this Title or upon receipt of a recommendation for revocation from the Kern County Health Department.
 - (g) Each additional animal authorized by a Temporary Animal Permit over the allowable animal density specified herein shall be removed upon expiration of the permit.

e. Conditionally Permitted Uses

The following shall be subject to the conditional use permit procedure as provided in section 20.2.50 of this Chapter.

- (1) Exotic or wild animals; as defined in Chapter 20.1 of this Title.
- (2) On lots one-half (1/2) acre or greater, frog farms or the raising of earthworms may be permitted, provided that the area devoted to such use or uses shall not exceed ten percent (10%) of the net lot area.
- (3) Fish hatcheries or farms for stocking, breeding or commercial sale.
- (4) The raising of rabbits, chinchilla, nutria, hamsters, guinea pigs, and other animals similar in size and appearance for commercial purposes.
- (5) Non-commercial aviaries (not including chickens) provided that the number of birds shall not exceed ten (10) birds for each one-quarter (1/4) acre of net lot area.
- (6) Non-commercial apiary (beekeeping) provided that hives and/or boxes shall be placed a minimum of four hundred (400) feet from any street, road, highway, public school, park or any occupied dwelling, except for the owner or caretaker of the apiary.
- (7) Homing or Racing Pigeons (Pigeons). The raising of pigeons may be allowed in conjunction with any single-family residence within the City subject to approval of a conditional use permit. Conditions of the conditional use permit shall include but not be limited to the following:
 - (a) No person shall keep, maintain, or harbor pigeons unless such pigeons are kept, or maintained in an approved pigeon loft as defined herein.
 - (b) A pigeon loft shall contain no more than twenty-five (25) such adult pigeons and no more than twenty-five (25) such young birds of not over one (1) year of age on any residential lot. Each pigeon shall wear a metal or plastic leg band to identify the owner or keeper thereof. The owner shall maintain a record of the age and date of acquisition of such pigeons and such records shall be open for inspection by the City's animal control officer.
 - (c) Pigeons kept in a pigeon loft may not be allowed by the owner or keeper to perch or linger on the buildings, or property of others in the vicinity of such pigeon loft. The pigeon loft shall be maintained in a clean, sanitary and wholesome manner at all times and shall be subject to periodic inspection by the animal control officer of the City.
 - (d) No such pigeon loft shall be permitted with two-hundred (200) feet of any commercially zoned district within the City.
 - (e) Pigeon lofts shall not be located any closer to any residence on adjacent parcels, than twenty-five (25) feet or within fifty (50) feet of the front property line.

f. Animal Offspring

Offspring born to permitted or conditionally permitted animals kept on any given site may be maintained on said site until weaned without being counted against the maximum number of animals permitted on the site as follows:

- (1) Cats and dogs; six (6) months;
- (2) Horses and ponies; twelve (12) months;
- (3) All other equine and cleft-hoofed animals; six (6) months.

20.11.50 ALCOHOLIC BEVERAGE OUTLET REGULATIONS

1. Purpose

It has been found that business establishments and organizations engaged in the sale of alcoholic beverages for consumption frequently generate or contribute to problems which adversely affect the health, peace or safety of the city's residents, property owners, businesses, visitors and workers. Such problems include, but are not limited to: loitering, obstruction of pedestrian and vehicular traffic, defacement of buildings, disturbances of the peace, illegal drug activity, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, excessive littering, illegal parking, excessive loud noises in the late night and early morning hours, traffic violations, lewd conduct, police detections or arrests, and the deterioration of neighborhoods in which such establishment and business premises are located.

The purpose of this section is to protect the health, safety and welfare of the City by:

- a. Imposing restrictions on the location of such establishments in relation to one another and in relation to certain public and private facilities and structures; and
- b. Requiring that each such establishment or organization obtain a conditional use permit in connection with its business operations or its events and activities which involve the sale of alcoholic beverages.

2. Conditional Use Permit Required

Except as otherwise provided herein, no establishment may sell alcoholic beverages for either on-site or off-site consumption unless a conditional use permit has been approved for such an establishment. A conditional use permit shall not, however, be required if the establishment falls within the following categories:

- a. A retail store having ten thousand (10,000) square feet or more of floor area which does not devote more than five percent (5%) of such floor area to the sale, display, and storage of alcoholic beverages, or
- b. A bona fide restaurant.
- c. A special event function; such as neighborhood or community festivals, provided all of the following criteria are met:
 - (1) The person, group, business, or organization sponsoring the event secures all applicable permits from the City; and

- (2) The person, group, business, or organization sponsoring the event obtains a temporary on-sale license from the State of California Department of Alcoholic Beverage Control for each of the dates the event will be held; and
 - (3) The duration of the event does not exceed three (3) consecutive days or five (5) days in any single calendar year.
 3. Standard Conditions for conditional use permit approval for alcohol-related land uses.
 - a. The applicant shall furnish the City a copy of the ABC license and a copy of the conditions placed on the license by the Department of Alcoholic Beverage Control prior to public hearing on any application for a conditional use permit.
 - b. The applicant shall comply with all restrictions placed upon the license issued by the State of California Department of Alcoholic Beverage Control.
 - c. The conditional use permit shall not become effective for any purpose unless an "Acceptance of Conditions" form has been signed by the applicant in the presence of the Community Development Director, or notarized and returned to the Community Development Department.
 - d. A modification of an approved conditional use permit, as provided in this Title, shall be obtained when:
 - (1) The establishment proposes to change its type of liquor license.
 - (2) The establishment proposes to modify any of its current conditions of approval.
 - (3) There is a substantial change in the mode or character of operations of the establishment.
 - e. Exterior lighting in the parking area shall be designed to provide adequate lighting for patrons, while not unreasonably disturbing surrounding properties. A lighting plan, subject to review and approval by the Community Development Director, shall be implemented prior to sale of any alcoholic beverage.
 - f. In the event City staff determines that security problems exist on the site, the conditions of this permit may be amended, under the provisions of this Title, to require additional security.
 - g. The establishment shall have a public telephone listing.
 - h. It shall be the responsibility of the applicant/licensee to provide all employees that sell or serve alcoholic beverages with the knowledge and skill that will enable them to comply with their responsibilities under State law. This includes, but is not limited to the following:
 - (1) State laws relating to alcoholic beverages, particularly ABC and penal provisions concerning sales to minors and intoxicated persons, driving under the influence, hours of legal operations, and penalties for violations of these laws.
 - (2) The potential legal liabilities of owners and employees of businesses dispensing alcoholic beverages to patrons who may subsequently injure, kill,

or harm themselves or innocent victims as a result of the excessive consumption of alcoholic beverages.

- (3) Alcohol as a drug and its effects on the body and behavior, including the operation of motor vehicles.
 - (4) Methods for dealing with intoxicated customers and recognizing underage customers.
 - i. Litter and trash receptacles shall be located at convenient locations inside and outside the establishment, and operators of such establishments shall remove trash and debris in a manner to eliminate a health problem. There shall be no dumping of trash and/or glass bottles outside the establishment between the hours of 10:00 p.m. and 7:00 a.m.
 - j. The City Council has the right to hold a public hearing to revoke or modify any conditional use permit pursuant to the provisions of this Title if harm or retail-related problems are demonstrated to occur as a result of criminal or anti-social behavior, including but not limited to the congregation of minors, violence, public drunkenness, vandalism, solicitation and/or litter.
 - k. A conditional use permit which has been approved or conditionally approved for alcohol-related land uses shall become null and void unless exercised within one (1) year of the date of final approval, or such extension of time as may be granted by the City Council pursuant to a written request for extension submitted to the Community Development Department a minimum of sixty (60) days prior to such expiration date.
4. Additional standard conditions of approval for alcohol related land uses for on-site sales.
- a. All alcoholic beverages sold in conjunction with an on-site licensed establishment must be consumed entirely on the premises prior to closing time, and no alcoholic beverage shall be sold as take-out.
 - b. There shall be no live entertainment, amplified music, or dancing permitted on the premises at any time, unless specifically authorized by a conditional use permit issued by the City. Furthermore, the proposed uses shall be consistent with the license conditions imposed by the State of California Department of Alcoholic Beverage Control.
 - c. The establishment shall comply with the provision of section 20.10.180 (Noise Hazards) of this Chapter.
 - d. In addition to the knowledge and skills deemed necessary for responsible alcoholic beverage services, as set forth in this Chapter, the following additional topics and skills shall be required:
 - (1) Methods to appropriately pace customer drinking to reduce the risk that a customer may leave the premises in an intoxicated manner.
 - (2) Knowledge of mixology, including marketable alternatives to alcoholic beverages.

5. Additional standard conditions of approval for alcohol related land uses for on-site sales in outdoor dining areas.
 - a. Whenever an outdoor dining area is being utilized for the sale, service or consumption of alcoholic beverages, an employee shall be in attendance and maintain continuous supervision at all times to ensure the outdoor dining area does not create a public nuisance contrary to public welfare and morals.
 - b. All alcoholic beverages served in an outdoor dining area must be served in glass containers.
 - c. All outdoor dining areas shall be surrounded by an enclosure of a design and height satisfactory to the City Council.
 - d. Any canopy constructed over an outdoor dining area shall comply with all requirements of the Building and Fire Departments.
6. Additional standard conditions of approval for alcohol-related land uses for off-site sales.

The sale of alcoholic beverages for consumption on the premises shall be prohibited and there shall be appropriate posting of signs both inside and outside the licensed premises stating that drinking of alcoholic beverages on the premises is prohibited by law. These premises shall include the licensed premises proper, appurtenant and required parking areas, and appurtenant common areas if located in a commercial center.
7. Depending upon the complexity of the issue under consideration by the City Council, additional conditions of approval may be added to the above listing of items in order to fully ensure that the proposed issuance of a land use approval for an alcohol-related use is fully compatible with the surrounding neighborhood and that all adverse environmental impacts are mitigated to the fullest extent possible.

20.11.60**KENNELS (COMMERCIAL AND NONCOMMERCIAL)****1. Intent**

This section is intended to ensure that the operation and maintenance of commercial and noncommercial kennels, as defined in section 20.1.190 (Definitions) of this Title, does not create a nuisance or otherwise impair the enjoyment of surrounding properties.

2. Applicability

All kennels, both non-commercial and commercial, shall comply with the provisions of this section and all other standards and permit procedures pursuant to the zone district in which such kennel is located.

3. Performance Standards for Commercial and Noncommercial Kennels**a. Animal runs shall meet the following criteria:**

- (1) All animal runs shall be of adequate size for animals held therein.

- (2) All animal runs shall be constructed and/or coated with non-porous material to discourage the breeding of ticks and other similar pests.
 - (3) All animal runs and animal holding areas shall have concrete or other durable flooring which is sloped for proper drainage.
 - (4) All animal runs shall have adequate enclosures to provide protection from inclement weather.
 - (5) All animal runs shall be provided with sufficient drains to control drainage and daily washing of the runs.
- b. All kennels shall be served by sewer or all excrement produced by said kenneled animals shall be properly disposed of on a regular basis to control flies and odor.
 - c. The kennel area shall be so located and sound attenuated, if necessary, so that noise levels measured at the property line do not exceed standards set for the adjacent use.
 - d. No animal runs, exercise areas, or keeping of the kenneled animals for commercial or noncommercial purposes shall be located within a required setback area.

20.11.70 EXOTIC ANIMALS

1. The keeping of exotic animals, as defined in section 20.1.190 (Definitions) of this Title, shall be permitted only in R-A and R-1 zone districts, subject to the following regulations.
2. Requirements.
 - a. Prior to giving notice in accordance with the provisions of section 20.2.140 (Public Hearing and Notification Procedures) of this Title, the reviewing authority shall request that the County Veterinarian submit a statement regarding the particular animal's mature behavior and personality characteristics. Notice given to adjacent property owners shall include a description of the type of animal and its behavioral characteristics.
 - b. Any action to approve a request for keeping an exotic animal shall not be effective until written evidence is received by the Community Development Director that:
 - (1) The applicant has applied for and obtained a permit from the Public Health Department.
 - (2) The applicant has applied for and obtained a permit from the State Department of Fish and Game, if required.
 - c. Conditions

Any action to approve a request for an exotic animal shall include the following conditions in addition to any conditions deemed appropriate by the reviewing authority:

- (1) The keeping of the animal must comply with the provisions of this Title, and any other applicable City Code, including setbacks from property lines and other dwellings.
- (2) The keeping of an animal must comply with all applicable Federal and State requirements.
- (3) No more than two (2) exotic animals over the age of six (6) months may be kept unless a conditional use permit for a menagerie or zoo has been approved.

20.11.80 ANTENNAS AND SATELLITE DISHES

1. Intent

This section is intended to reduce the potential safety, aesthetic, and view blocking impacts of antennas and satellite dishes, and to integrate such structures into neighborhoods with the least possible impact.

2. Applicability

- a. This section applies to every antenna and satellite dish installed or modified on or after the effective date of this Title.
- b. Except as otherwise provided for in this section, no antenna or satellite dish shall be installed or modified prior to approval by the Community Development Director, including an antenna or satellite dish proposed as an accessory structure to an existing use for which a conditional use permit was required.

3. Development Standards

a. Residential Districts

Every satellite dish installed, modified, and maintained in a residential zone district shall be in accordance with the provisions of this section.

- (1) Only one (1) per parcel is permitted.
- (2) The diameter of the dish shall not exceed five (5) feet.
- (3) The dish shall not be located in the front yard of the parcel.
- (4) The dish shall comply with all height and setback requirements specified for accessory structures within the applicable district.
- (5) Dishes less than three (3) feet in diameter may be roof mounted, provided that the top of the dish is mounted on the rear of the building, below the peak of the roof line in such a manner as to be screened from view from a public street, and is no greater than twenty-three (23) feet in total height. Dishes with a diameter of three (3) feet or greater shall be ground-mounted and shall be no greater than eight (8) feet in height.

- (6) The dish shall be finished in a color to neutralize and blend it with the immediate surroundings.
- (7) The dish shall be screened and landscaped along all sides when visible from the street except the reception window for which low-level landscape treatment shall be applied along the dish's base. Such treatments shall completely enclose the dish.
- (8) The installation shall be so located to prevent obstruction of the dish's reception window from potential development on adjoining parcels of land.
- (9) A building permit shall be obtained.
- (10) The display of signs or other graphics on a satellite dish is prohibited.

b. Non-Residential Districts

Every satellite dish installed, modified and/or maintained in a non-residential zone district shall be in accordance with the provisions of this Section.

- (1) Only one (1) dish greater than five (5) feet in diameter per parcel may be permitted.
- (2) The diameter of any dish shall not exceed ten (10) feet.
- (3) Dishes shall comply with all height and setback requirements specified for accessory structures for the applicable zone district.
- (4) Dishes shall be finished in a color to neutralize and blend it with the immediate surroundings.
- (5) The installation shall not be located in a way that prevents obstruction of the dish's reception window from potential development on adjoining parcels.
- (6) Dishes shall not be located in front of the primary structure on the parcel, and shall not be visible from a primary access street.
- (7) A building permit shall be obtained.
- (8) The display of signs, lighted displays, or other graphics on a satellite dish is prohibited.

c. Standards for Antennas in All Districts

The installation of one (1) antenna which exceeds the maximum height for the district within which the antenna is to be located may be permitted subject to the following limitations, and the approval of a conditional use permit pursuant to section 20.2.50 of this Title.

- (1) Any operation of citizen's band or other radio transmitting equipment, excluding public service, public safety, or emergency radio services, shall be subject to the provisions of Chapter 20.12 (Performance Standards) of this Title.

- (2) Microwave, mobile phone antenna, and antenna repeater stations are subject to the provisions of section 20.11.85 (Antennas and Wireless Telecommunication Facilities) of this Chapter.
- (3) Antenna for non-commercial use shall not exceed ten (10) feet over the height limit for the district in which it is located, unless such antenna is found by the City Council to be necessary to protect the public health, safety and welfare.

20.11.85

ANTENNAS AND WIRELESS TELECOMMUNICATION FACILITIES

Wireless Communication Facilities, hereinafter referred to as Facilities, as defined by section 20.1.190 (Definitions) of this Title are permitted subject to the following:

Applications for Facilities: Applications for Facilities are subject to a two-tier review process as provided in this Section. Applications for Facilities are subject to either (i) Project Review Committee (PRC) approval or (ii) a conditional use permit (CUP), subject to City Council approval. Those development plan applications that meet the design and development guidelines outlined in Tier 1, section 20.11.85.1.a.(1) of this Chapter will require approval by the PRC. Those applications that do not meet the design and development guidelines outlined in Tier 1, section 20.11.85.1.a(1) and do fall within the design and development guidelines outlined in Tier 2, section 20.11.85.1.a(2) require a CUP and require review and approval by the City Council at a noticed public hearing.

1. **TIER 1 - PRC review:** The PRC shall approve Facilities only if it finds as follows:
 - a. Antennae are located in a commercial or industrial zone.
 - b. Building or roof mounted antennae do not exceed fifteen (15) feet in height and are architecturally screened from view.
 - c. Antennae are in stealth design in connection with a building or structure so as not to be recognized as an antenna.
 - d. Support equipment is located within a completely enclosed structure or otherwise screened from view.
 - e. Antennae meet all development standards within the applicable zone as required by this Code.
 - f. Antennae will be, if reasonably possible, co-located with an existing site in an industrial or commercial zone.
2. **TIER 2 – City Council Review:** Facilities which cannot be approved by the PRC, in accordance with the Tier 1 criteria, are subject to CUP procedures, as outlined in section 20.2.50 of this Title. The following are also subject to a CUP.
 - a. Ground mounted antennae.
 - b. Facilities which do not comply with all development standards within the applicable zone require a variance. The variance request must meet the applicable findings outlined in Section 20.2.60 of this Title.
 - c. Proposed Facilities that create more than a minimal visual impact on surroundings, as determined by the Community Development Director. In

determining where more than a minimal visual impact exists, the following factors should be considered: location of Facility, size, and view of Facility from adjacent properties, and contrast between the Facility and other external structural equipment attached to the property.

- d. Facilities located adjacent to a residential zone (R-A, R-1, R-2, R-3), provided that the property has multiple family grouped units and the Facility is: (1) stealth design, (2) building or roof mounted and integrated into the architecture of the building, or (3) co-located.
 - e. Facilities located within the line of sight of any scenic corridor.
3. Submittal Requirements: In addition to the submittal requirements as outlined in a development plan and CUP applications, applications for Facilities must contain the following additional information:
- a. All individuals, companies and providers of Facilities doing business within the City shall process a master plan of all existing and proposed Facilities sites. The Facilities master plan shall be reviewed and approved by the Community Development Director in accordance with the written criteria established for such review by the Community Development Director.
 - b. The applicant shall supply verification of the proposed Facilities, compliance with the American National Standards Institute (ANSI) and Institute of Electrical and Electronics Engineers (IEEE) by providing a copy of its FCC License Agreement for review by staff.
 - c. The applicant shall supply verification of compliance with the Federal Aviation Administration (FAA).
 - d. At the time of submittal of a development plan or a CUP application for Facilities, the applicant shall submit information indicating the type of Facilities, its height above ground level, and its cell coverage.
4. Location Guidelines: All applications for Facilities are subject to the following location guidelines:
- a. The preferred order of placement of Facilities is as follows: (i) industrial zones, (ii) rural-agricultural zones, (iii) commercial zones, (iv) community facilities zones.
 - b. Facilities can be approved within a residential zone provided the property is not developed with a single family dwelling unit. Consideration of potential impacts on any adjacent residential property will be evaluated. The location of Facilities will be conditioned on the utilization of stealth design technology and/or building or roof mounted design.
 - c. Facilities should (i) be co-located with another structure, where appropriate (ii) be utilized as stealth designs, (iii) be roof or wall mounted as an integral architectural element on an existing structure, and (iv) utilize state-of-the-art wireless technology.
 - d. The applicant is to investigate the feasibility of co-locating additional antennae on the tops of buildings, on existing monopoles, and/or clustering Facilities. If co-location or clustering is not possible in the case of a particular proposal, the

applicant shall submit such evidence at the time of submittal. With the submittal of a CUP application, the applicant is to submit a copy of the appropriate portions of the tentative lease agreement indicating that no exclusive agreements have been made to prevent future carriers to locate on the same site or Facilities, as well as submit a design plan which does not preclude potential additional users.

- e. Monopoles shall be separated a minimum of one-thousand (1,000) feet from any existing monopole.
5. Development and Design Guidelines: All applications for Facilities shall be submitted to the Community Development Department and shall contain the information required by section 20.11.85 of this Chapter. The applicant shall submit plans that will be reviewed for all applicable zoning codes and standards. The following are intended to provide high quality guidelines to ensure compatibility with the community for the placement of Facilities.
- a. Support structures shall be screened from view by siting them next to tall buildings or structures, or placed near existing tall trees. Where applicable, the support structures are to be screened from public view with dense landscaping.
 - b. Facilities must meet all applicable zoning setback and height regulations of the underlying zone district. All proposed Facilities that exceed the maximum height established by the underlying zone district are subject to FAA approval.
 - c. Facilities may be designed as or within a piece of public art such as a clock tower or historical monument for public benefit.
 - d. The height of the support structures must be the minimum necessary to provide the required coverage. However, an antenna or its support structure shall not exceed the height in any zone as prescribed by the zoning code.
 - e. Safety lighting or colors, if prescribed by the City or other approving agency (i.e. FAA), may be required for support structures.
 - f. Support structures shall be either galvanized steel or painted an unobtrusive color to neutralize and blend with surroundings. Where an equipment building accompanies the support structure, it shall be designed, colored and textured to match adjacent architecture or blend in with surrounding development.
 - g. Proposed Facilities shall not create any non-conforming situations to the site such as a reduction in parking, landscaping, loading zones, and/or elimination of loading zones. Facilities are to be installed and maintained in compliance with the requirements of the Uniform Building Code, Uniform Electrical Code, Noise Standards and all other applicable code.
 - h. The City Council may condition approval of Facilities on a five (5) year term or other review process.
 - i. Whip and microwave dish antennae are permitted only if integrated into the design of the structure and/or fully screened from public view.
 - j. All utilities associated with Facilities shall be placed underground.

- k. Chain link fencing is not permitted for containment of Facilities, unless such fencing is located in the rear portion of property not visible from a public right-of-way and is installed with tennis screen material on all facades of the fence.
- l. Temporary monopoles, if associated with an approved Facilities application, may be permitted, if justified to the satisfaction of the Community Development Director, for a period of up to three (3) months, provided that screening is installed to prevent view of the monopole and related facilities from any and all public rights-of-way.
- m. Lattice towers shall not be permitted within the City boundaries.
- n. The operator or property owner is responsible for maintaining the Facilities in an appropriate manner consistent with the original approval of the Facilities. Should the use be replaced or discontinued for a period of six (6) months, the approvals will lapse.

20.11.90 ARCADES AND VIDEO MACHINES

1. Intent

This section is intended to establish standards which will mitigate the noise and loitering commonly associated with arcades and video machines. Regulations controlling the specific location and development of these uses are established by this section.

2. Applicability

Arcades, as defined in section 20.1.190 (Definitions) of this Title, shall be permitted only in the General Commercial (GC), Neighborhood Commercial (NC), Downtown Commercial (DC), and Community Retail Commercial (CRC) zone districts subject to the approval of a conditional use permit in compliance with the provisions of section 20.2.50 of this Title. A conditional use permit shall also be required at such a time as application is made to the City to expand an existing arcade.

3. Minimum Development and Performance Standards

a. Maximum Number of Machines

The number of video machines permitted shall not exceed one (1) machine per each thirty (30) square feet of floor area.

b. Lighting

The arcade shall be fully and adequately lighted for easy observation of all areas of the premises.

c. Bicycle Racks

Bicycle storage racks shall be maintained off the public sidewalk at the ratio of one-half (1/2) bicycle space per machine to adequately accommodate bicycles utilized by arcade patrons.

d. Telephones

At least one (1) public telephone shall be provided at each arcade. All telephones shall be located within the building.

e. Hours of Operation

Hours of operation shall be limited to between 8:00 A.M. and 10:00 P.M., every day of the week.

f. Adult Supervision

(1) An employed adult supervisor shall be able to readily observe all video machines and all areas of business.

(2) The adult supervisor shall be present at all times during hours of operation, and, if the number of video machines exceeds forty (40), there shall be two (2) adult supervisors present at all times during hours of operation.

g. Noise

No sound created by any arcade, or its patrons, shall be detectable from the exterior of the arcade or from adjacent uses.

h. Litter

The premises shall be continuously maintained in a safe, clean, and orderly condition.

20.11.100 AUTOMOBILE DEALERSHIPS

1. Intent

This section is intended to ensure that automobile dealerships do not create adverse impacts on adjacent properties and surrounding neighborhoods due to insufficient on-site customer and employee parking, traffic generation, including road testing of vehicles, obstruction of traffic, visual blight, bright lights, noise, fumes, or drainage run-off. The following special conditions shall apply to automobile dealerships.

2. Development Standards

All new dealerships shall comply with the provisions of this section in addition to the development standards and permit procedures of the zone district in which it is located.

a. Minimum Lot Size

The minimum lot size for automobile dealerships shall be twenty thousand (20,000) square feet.

b. Parking

Areas designated for employee and customer parking shall not be used for vehicle storage or display.

c. Landscaping

A minimum five (5) foot landscape strip shall be provided outside the public right-of-way along the street frontage perimeter of all vehicle display areas.

d. Washing of Vehicles

All washing, rinsing, or hosing down of vehicles and of the property shall comply with the requirements specified in Section 20.11.260 (Vehicle Repair Facilities) of this Chapter.

e. Loading and Unloading of Vehicles

Loading and unloading of vehicles shall be conducted in accordance with the following provisions:

- (1) The dealership operator is deemed to be responsible and liable for any activities of a common carrier, operator, or other person controlling such loading or unloading activities, to the extent any such activities violate the provisions of this subsection.
- (2) Off-loading locations shall be established either on site or off site, and shall be subject to the approval of the City Engineer if within the public right-of-way. Loading and unloading activities shall not block the ingress or egress of any adjacent property.

f. Storage of Vehicles to be Repaired

Vehicles brought on site for repair purposes shall not be parked or stored on any public street or alley, and should be parked in required parking spaces, reserved for such purposes.

g. Repair of Vehicles

The repair and service facility portion of any automobile dealership shall comply with the provisions of section 20.11.250 (Vehicle Repair Facilities) of this Chapter.

h. Queuing of Vehicles

On-site queuing area or lanes for service customers shall be provided which shall be large enough to accommodate a minimum of one and a half (1½) vehicles for each service bay in the facility. On-site driveways may be used for queuing, but may not interfere with access to required parking spaces. Regular parking spaces may not double as queuing spaces.

i. Noise Control

- (1) Loudspeakers are permitted provided that noise levels are maintained below fifty-five (55) dBA at any boundary.
- (2) All noise generating equipment exposed to the exterior shall be muffled with sound absorbing materials to reduce noise levels below fifty-five (55) dBA at the property boundary.

j. Toxic Waste Storage and Disposal

Gasoline storage tanks shall meet all applicable State and local health regulations, and shall be constructed and maintained under the same conditions and standards that apply to service stations.

k. Air Quality

- (1) Brake washers shall be installed and utilized in all service stalls or areas which perform service on brakes containing asbestos or other materials known to be harmful when dispersed in air.
- (2) Mechanical ventilating equipment shall direct exhaust away from adjacent residential properties.
- (3) Exhaust systems shall be equipped with appropriate and reasonably available control technology to minimize or eliminate noxious pollutants which would otherwise be emitted.

20.11.110 AUTOMOBILE RENTAL AGENCIES

1. Intent

This section is intended to ensure that automobile rental agencies do not create adverse impacts on adjacent properties and surrounding neighborhoods due to insufficient on-site customer and employee parking, traffic generation including road testing of vehicles, obstruction of traffic, visual blight, bright lights, noise, fumes, or drainage run-off.

2. Development Standards

a. Washing of Vehicles

All washing, rinsing, or hosing down of vehicles and of the property shall comply with the requirements of section 20.11.260 (Vehicle Repair Facilities) of this Chapter.

b. Repair of Vehicles

No vehicle repair work shall occur on the premises unless all repair work and storage of parts is contained entirely within an enclosed building and the rental agency is otherwise permitted and licensed by the State of California to repair motor vehicles.

c. Storage of Vehicles

No vehicles to be displayed, sold, rented, or repaired shall be parked or stored on any street or alley. In addition, no rental cars shall be stored or parked within parking areas intended to comply with the provisions of Chapter 20.13 (Parking Regulations), of this Title.

20.11.120 BED AND BREAKFAST USES**1. Intent**

This section is intended to control the establishment and operation of bed and breakfast uses to ensure that such uses do not adversely effect the surrounding neighborhood.

2. Applicability

All bed and breakfast uses, as defined herein, shall comply with the provisions of this section and the zone district in which the use is located.

3. General Regulations

- a. Bed and breakfast uses may be permitted in all residential and commercial zone districts in which residential (permanent and transient) uses are either permitted or are permitted subject to an approved conditional use permit.
- b. This use shall be conducted as an accessory use only; the residential structure shall serve as the primary residence of the owner. If a corporation is the owner, a majority shareholder of the corporation shall reside in the residential structure where said use is proposed.

(1) All bed and breakfast uses shall be subject to:

- a) A conditional use permit, as specified in section 20.2.50 of this Title.
- b) A health permit, as specified in the Kern County Code.
- c) A transient occupancy tax (bed tax).

(2) Application for a permit shall be made by the resident property owner or his/her legal agent having power of attorney to make such application.

4. Development Standards**a. Structural Features**

- (1) All dwelling units proposed for a bed and breakfast use shall comply with standards and specifications of the Uniform Building Code, and shall also be subject to the Room Occupancy Standard outlined in the State Housing Law (as amended).
- (2) Each guest room shall be equipped with a fire extinguisher and a smoke detector conforming to Uniform Building Code Standards. An exit/egress and an emergency evacuation map shall be displayed in a prominent location in each guest room.

- b. Accesses and driveways. The owner shall ensure that all required accesses, driveways and parking spaces remain clear and unobstructed, and are available and ready for the occupants' use at all time.

c. Design Standards

- (1) Alterations and modifications may be made to the structures and the site but such alterations shall be compatible with the character of the neighborhood. Such alterations and modifications shall also comply with all applicable City provisions, requirements and standards and ordinances.
- (2) Additional landscaping may be required to screen parked vehicles from direct view of the neighbors, particularly where such parking is located within a front yard setback.
- (3) Any lights used to illuminate the site shall be designed and placed to reflect away from adjoining properties and public thoroughfares.
- (4) A non-illuminated identification sign, not to exceed six (6) square feet in area is permitted. If not attached to the residence, such sign shall not exceed six (6) feet in height and must blend with the architectural style of the structure and the neighborhood.

d. Kitchen Facilities

- (1) There shall be no cooking facilities permitted in guest rooms.
- (2) The sale of food or other materials in residential districts is limited to guests who are currently occupying the premises where the use is located and not to the general public.

e. Miscellaneous Standards

- (1) The land use shall not involve the use of commercial vehicles for delivery of materials to or from the premises except for those commercial vehicles normally associated with residential use deliveries.
- (2) There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible from outside the home.
- (3) The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by use of colors, materials, lighting, signs, or the emission of sounds, noises and vibrations.
- (4) The use of utilities and community facilities shall be limited to that normally associated with the use of a property for residential purposes.

f. Penalty for Noncompliance

The City Council may void any conditional use permit for a bed and breakfast use for noncompliance with the conditions set forth in the approving permit. Notice of such a pending action shall be given to the permittee prior to any action being taken.

g. Findings

Prior to acting upon an application for a conditional use permit for a bed and breakfast use, the City Council shall find that all the following are true:

- (1) That the site upon which the bed and breakfast use is to be established, shall conform to all standards of the zone district in which it is located, that the site for the proposed use is adequate in size and shape to accommodate said use, and all yards, building coverage, setbacks, parking areas and other applicable requirements of this Title are met.
- (2) That the residential character of the neighborhood in which the use is located is maintained and preserved and that the issuance of the permit shall not be significantly detrimental to the public health, safety and welfare or injurious to the vicinity and district in which the use is located.

20.11.130 DAY CARE FACILITIES

1. Intent

This section is intended to ensure that day care facilities, as defined in section 20.1.190 of this Title, which provide child care in residential districts do not adversely impact the adjacent neighborhood. While family day care facilities are needed by City residents in close proximity to their homes, care must be taken to prevent the potentially adverse traffic conditions, noise, and safety impacts this land use could have on the community. It is further the intent of this section to allow day care operations in residential surroundings to give children a home environment which is conducive to healthy and safe development.

2. Performance Standards for Small Day Care Facilities

a. General Requirements

A small family day care facility shall conform to all property development standards and permit procedures of the zone district in which it is located in addition to the provisions of this Section and any requirements governed by California Health and Safety Code Section 1597.46.

b. Outdoor Play Area

An outdoor play area shall be provided which complies with the provisions of the California Health and Safety Code governing child day care homes. Stationary play equipment shall not be located in required front or side yard setbacks.

c. Fences and Walls

When located within or adjacent to a non-residential district, a six (6) foot high solid fence or wall shall be constructed on all such property lines, except within the front yard area where the fence or wall shall not exceed forty (40) inches in height. Materials, textures, colors, and design of the fence or wall shall be compatible with on-site development and adjacent properties. All fences or walls shall provide for child safety with controlled points of entry.

d. Landscaping

On-site landscaping shall be maintained in good physical condition.

e. On-Site Parking

On-site parking for home-based day care facilities located within residential zone districts shall require no more than two (2) on-site spaces.

f. Passenger Loading

A passenger loading/unloading plan shall be reviewed and approved by the City engineer.

g. Lighting

All lighting shall comply with the provisions of section 20.12.80 (Light & Glare) of this Title, except that when located within a residential district, lighting shall be directed away from adjacent properties and public right-of-way, except for passenger loading areas.

h. Hours of Operation

For the purposes of noise abatement, day care facilities in residential districts may only operate between the hours of 6:00 A.M. and 7:00 P.M., seven days a week.

i. Outdoor Activity

For the purposes of noise abatement, outdoor activities for day care facilities in residential districts may only be conducted between the hours of 8:00 A.M. to 7:00 P.M.

j. State and Other Licensing Requirements

All day care facilities shall be State licensed and shall be operated according to all applicable State and City regulations.

3. Performance Standards for Large Family Day Care Facilities

Applicants for a large family day care facility, seven (7) to twelve (12) children, shall be required to submit an application to the Community Development Department for a large family day care facility. This application, which may be obtained at the office of the Community Development Department, requires the applicant's signature to acknowledge that the following conditions shall be adhered to if the permit to operate is to remain valid.

- a. The facility is a single family dwelling and is the principal residence of the provider. This use as a family day care home is clearly incidental and secondary to the use of the property for residential purposes.
- b. No structural changes or signage is proposed which will alter the character of the single family residence.
- c. In addition to the required off-street parking for the residence, a minimum of one (1) off-street parking space per employee is required. The residential driveway is acceptable as such a parking space if said parking space will not conflict with any required child drop-off/pick-up area and does not block the public sidewalk or any portion of the City right-of-way.

- d. The operation of the large day care facility shall comply with noise standards contained in the Noise Element of the General Plan and with section 20.10.180 (Noise Hazards) of this Title.
- e. Any residence located on an arterial street must provide a drop-off/pick-up area designed to prevent vehicles from backing onto an arterial roadway. Curb-side drop-off/pick-up is acceptable if a curbside parking lane exists adjacent to the property. If existing curbside parking (drop-off/pick-up) is converted to a travel lane, this permit shall be terminated unless an adequate drop-off/pick-up area can be provided elsewhere to the satisfaction of the City Engineer.
- f. The provider shall comply with all applicable Building Code and Fire Code regulations regarding health and safety requirements. Provider shall, prior to operating the facility, apply for and receive a Change of Occupancy Permit from the Building Official.
- g. The provider has secured a large family day care facility (home) license from the State of California, Department of Social Services.
- h. The facility shall be operated in a manner which will not adversely affect adjoining residences or be detrimental to the character of the residential neighborhood in which it is located.
- i. In addition to the provisions of this section 20.11.130.3., all provisions of section 20.11.130.2. of this Chapter, not in conflict with this Section, shall apply.

20.11.140**DEPENDENT HOUSING**

- 1. A detached dependent housing unit, as defined in section 20.1.190 (Definitions) of this Title, may be temporarily permitted in any single family residential zone district subject to an approved conditional use permit as an accessory use to any permitted single-family residential primary land use; provided, however, that there is only one primary residential land use occupying the site.
- 2. Requirements
 - a. The permittee shall occupy at least one of the dwelling units on the premises.
 - b. Applications for a permit shall be made by a resident owner of the subject property, or his legal agent having power of attorney to make such application, on which the dependent housing unit is to be located.
 - c. The applicant must obtain a temporary occupancy permit, pursuant to section 20.2.90 of this Title.
 - d. Each year, prior to the anniversary of the approval, the applicant shall submit a letter from an attending physician stating that a medically related reason still exists for the dependent housing unit. If no such letter is submitted, or if no reason still exists for the medical hardship, the temporary structure, and all appurtenances to it, shall be completely removed from the premises.

- e. The permittee shall submit written notification to the Community Development Department of any proposed change of residency in the temporary dependent housing unit.

3. Findings.

Prior to acting upon an application for a conditional use permit for a temporary dependent housing unit, the City Council shall find that all of the following are true:

- a. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, building coverage, setbacks, parking areas and other requirements of this Title are met.
- b. The proposed temporary dependent housing unit is clearly subordinate in size, location and appearance to the principal unit.
- c. Issuance of the permit shall not be significantly detrimental to the public health, safety or welfare or injurious to property or improvements in the general vicinity in which the land use is located.
- d. The temporary dependent housing unit shall be erected, constructed or installed so as to allow for its feasible removal.
- e. The appearance of the temporary dependent housing unit and the method of siting are compatible with the surrounding environment.

4. Conditions.

- a. Permitted Structural Types.

Units constructed to meet the standards of the National Mobilehome Construction and Safety Standards Act of 1974 (Section 18551 of the California Health and Safety Code).

- b. Floor Area

The floor area of the dependent (temporary unit) shall not exceed fifty (50) percent of the floor area of the existing principal dwelling unit; however, in no case may the temporary dependent unit exceed eight hundred and fifty (850) square feet in floor area.

- c. Design Standards.

The appearance of any temporary dependent housing unit erected, constructed or set down in accordance with the provisions of this section shall be similar to and compatible with the appearance of the principal residence on the property.

- d. Parking

Parking for the temporary dependent housing unit shall be in accordance with the applicable requirements of this Title, unless the resident(s) of the temporary dependent housing unit are incapable of operating a motor vehicle.

e. Location and Occupancy

The temporary dependent housing unit shall not extend beyond the principal residence where such principal residence faces a street right-of-way. The existing principal residence on the property shall be occupied by the owner of the property.

f. Lot Area

A temporary dependent housing unit shall not be permitted on any parcel which does not meet the minimum area requirements of the zone district in which it is located.

g. Development Standards.

The dependent unit shall comply with the development standards for the zone district in which it is to be located.

h. Removal of Unit

As a condition of permit approval, the permittee shall enter into an agreement with the City, placing responsibility upon the permittee to comply with the provisions of this Section, describing the method of removal of the temporary dependent housing unit when the permit is no longer valid, and acknowledging that the permittee shall bear the cost of removal of such unit.

20.11.150 DRIVE-IN, DRIVE-THROUGH, FAST FOOD, AND TAKE-OUT RESTAURANTS

1. Intent

This section is intended to ensure that drive-in, drive-through, fast food, and take-out restaurants do not create adverse impacts on adjacent properties and residents or on surrounding neighborhoods due to customer and employee parking demand, traffic generation, noise, light, litter.

2. Applicability

a. The provisions of this section shall apply to all new drive-in, drive-through, fast food, and take-out restaurants and to the expansion of twenty (20) percent or more of the gross floor area or an increase in the number of seats in any existing restaurant that results in a drive-in or drive-through facility.

b. Floor area added for the purpose of compliance with state or local health laws or access requirements of the disabled shall not be included in floor area calculations of purposes of determining applicability of this section.

3. Development Standards

a. Hours of Operation

When located on a site adjacent to or separated by an alley from any residentially zoned property, a drive-in, drive-through, fast food, or take-out restaurant shall not open prior to 6:00 A.M., nor remain open after 12:00 midnight, unless otherwise approved by the City Council.

b. Driveways

- (1) Drive-in and drive-through restaurants shall have driveways which shall provide for both ingress and egress, in all instances, and these driveways shall provide stacking space adequate for a minimum of six (6) vehicles waiting for service.
- (2) Each drive-through lane shall be separated from the area of vehicle circulation necessary for ingress and egress to any parking space. Each drive-through lane shall be striped, marked, or otherwise distinctly delineated.

c. Parking

A parking and vehicular circulation plan encompassing adjoining streets and alleys shall be submitted for review and approval by the City Engineer.

d. Refuse Storage Area

On-site outdoor trash receptacle shall be provided at a rate of one (1) trash receptacle for every ten (10) required parking spaces. One outdoor trash receptacle shall be provided on-site adjacent to each driveway exit or as otherwise approved by the Community Development Director.

20.11.160

FIREWORKS STAND

1. Location

A fireworks stand may be permitted in commercial and industrial zone districts and on property developed in accordance with the provisions of Chapter 6.48, Title 6 of the Municipal Code regardless of the zone district in which said facilities are located, provided the location of the fireworks stand complies with the requirements of section 20.11.160.2. and 20.11.160.3. below.

2. Setback Requirements

No fireworks stand may be established on any property, as provided in section 20.11.160.1. above, unless the location of the fireworks stand complies with the following setback requirements:

- a. Three (3) feet from any property line.
- b. Thirty (30) feet from any other building or structure.
- c. Ten (10) feet from any driveway, alley, or roadway.
- d. Twenty-five (25) feet from a watchman's accommodations or quarters.
- e. Twenty-five (25) feet from a generator.
- f. One hundred (100) feet from storage of flammable or combustible liquids, fuel dispenser(s), or repair garage(s)/facility(s).
- g. Six hundred (600) feet from any other fireworks stand.

3. All fireworks stands shall comply with the requirements of the Uniform Building and Fire Codes, Chapter 6.48, Title 6 of the Municipal Code, and all other applicable codes, ordinances and regulations.

20.11.170**HOME OCCUPATIONS**

1. Home occupations are intended to provide for commercial uses associated with a residence in those cases where that use will clearly not alter the character or the appearance of the residential environment. Home occupations, as defined in Chapter 20.1.190 of this Title, shall be permitted in any residential district, subject to the process required within the district and the following regulations of this section.

2. Conditions

Prior to approving a request for a home occupation, the applicant shall complete and submit a home occupation application to the Community Development Department. The Community Development Director shall find that the proposed use meets the following conditions prior to approval of any such Home Occupation Permit.

- a. All employees shall be members of the resident family and shall reside on the premises.
- b. There will be no direct sales of products or merchandise.
- c. Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.
- d. The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.
- e. Up to twenty-five percent (25%) of the living space or two hundred fifty (250) square feet, whichever is greater, of the home may be used for storage of materials and supplies related to the home occupation.
- f. There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible from outside the home.
- g. The home occupation shall be confined within the main building. A garage shall be considered as part of the main building.
- h. The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emissions of sounds, noises, vibrations, dust, electrical interference, fire hazard, glare or any other hazard or nuisance to any greater extent than normally found in a residential area.
- i. The use of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

3. The reviewing authority, pursuant to section 20.2.190 (Revocation of Permits) of this Title, may void any permit for a Home Occupation for noncompliance with the conditions set forth in the approving permit. Notice shall be given to the permittee prior to any such action taking place.

20.11.180 OUTDOOR RECREATIONAL FACILITIES (PUBLIC)**1. Intent**

This section is intended to ensure that outdoor recreational facilities, which are open to the public within or adjacent to a residential district, do not adversely impact adjacent residential parcels and are utilized in a manner which protects the integrity of the district, while allowing for the enjoyment of a healthful, recreational activity.

2. Applicability

The provisions of this Section shall apply to all recreational facilities which are owned by a public agency or are open to the public. This includes but is not limited to: golf courses, driving ranges, swimming pools, tennis courts, ball fields, and other similar facilities.

3. Development Standards

- a. Outdoor recreational facilities, covered by this Section, shall conform to all applicable property development standards for the district in which the facilities are located except as provided below.

(1) When necessary to contain play within the recreational facilities, chain link fences up to twelve (12) feet in height, measured from the adjacent grade, may be permitted, provided that such fences are not located within the front or side yard setback areas.

(2) Fences greater than twelve (12) feet in height, as measured from adjacent grade, may be permitted provided such fence is not located in the front or side yard setback, when a finding is made by the Project Review Committee that such a fence height is necessary to protect adjacent residential streets, homes or property from possible damage resulting from use of the recreational facility. This provision shall only be applicable in the case of golf courses, driving ranges, and/or baseball/softball playing fields.

- b. Landscaping and screening shall be provided on all boundaries of the parcel that abut public rights-of-way, a residential zone district, or residential land use.

- c. Lighting may be permitted provided that such lighting shall not be used after 10 p.m. Sunday through Thursday or after 11 p.m. on Friday or Saturday.

20.11.190 RECYCLING FACILITIES**1. Intent**

This section is intended to provide the community with regulations controlling the siting of recycling, redemption and processing facilities, and to ensure that recycling facilities do not create adverse impacts on the surrounding community.

2. Applicability

- a. The provisions of this section shall apply to the following use types, as defined in this section and section 20.1.190 (Definitions) of this Title.

- (1) Reverse Vending Machines
- (2) Small Recycling Facilities
- (3) Recycling and Reprocessing Facilities

- b. Such use types shall comply with the provisions of this section in addition to applicable standards and permit procedures of the zone district in which the use type is located.

3. Development Standards

Reverse Vending Machines shall comply with the following standards:

- a. Shall be established in conjunction with a commercial use or public facility which is in compliance with this Title and the building and fire codes of the City;
- b. Shall be located within thirty (30) feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
- c. Shall not occupy required parking spaces;
- d. Shall occupy no more than fifty (50) square feet of floor area per installation, including any protective enclosure, and shall be no more than eight (8) feet in height;
- e. Shall be constructed and maintained with durable, waterproof, and rustproof material;
- f. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call for repair and ownership;
- g. Shall have a maximum sign area of four (4) square feet per machine, exclusive of operating instructions;
- h. Shall be maintained in a clean, litter-free condition on a daily basis;
- i. Shall be illuminated to ensure comfortable and safe operation, if operating hours are between dusk and dawn; and
- j. All machines shall be clean and not dented, bent or otherwise disfigured.

4. Small Collection Facilities

a. Development Standards

Small Collection Facilities shall comply with the following standards:

- (1) Shall be established in conjunction with an existing commercial use or public facility which is in compliance with this Title and the building and fire code of the City;
- (2) Shall be no larger than five hundred (500) square feet and occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers. Occupation of

parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary land use unless all of the following conditions exist:

- (a) The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;
- (b) A parking study shows that existing parking capacity is not fully utilized during the time the recycling facility will be on the site;
- (c) The approval will be reconsidered at the end of eighteen (18) months;
- (d) A reduction in available parking spaces in an established parking facility may then be allowed as follows:

<u>Number of Parking Spaces</u>	<u>Maximum Reduction</u>
0 - 25	0
26 - 35	1
36 - 49	2
50 - 99	3
100 +	4

- (3) Shall be set back at least ten (10) feet from any property line and shall not obstruct pedestrian or vehicular circulation;
- (4) Shall accept only glass, metals, plastic containers, papers, and reusable items;
- (5) Shall use no power-driven processing equipment, except for Reverse Vending Machines;
- (6) Shall use containers that are:
 - (a) constructed and maintained with durable waterproof and rustproof material;
 - (b) covered when site is not attended and secured from unauthorized entry or removal of material; and
 - (c) of a capacity sufficient to accommodate materials collected in accord with a collection schedule;
- (7) Shall store all recyclable material in containers or in a mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;
- (8) Shall be maintained free of litter and any other undesirable materials. Mobile facilities, at which a truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
- (9) Shall not exceed noise levels of fifty-five (55) dBA as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed seventy (70) dBA;

- (10) Shall operate only during the hours between 9:00 a.m. and 7:00 p.m. when located within one hundred (100) feet of a property zoned or occupied for residential use;
- (11) Shall locate containers for the twenty-four (24) hour donation of materials at least one hundred (100) feet from any property zoned or occupied by residential use, unless there is a recognized service corridor and acoustical yielding between the containers and the residential use. All containers shall be painted and shall not be dented, bent or otherwise disfigured; and
- (12) Shall utilize clearly marked containers which identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, shall display a notice stating that no material shall be left outside the recycling enclosure or containers.

b. Signs may be provided as follows:

- (1) Small collection facilities may have a maximum of four (4) identification signs each a maximum of twenty percent (20%) per side of the facility or sixteen (16) square feet, whichever is larger. In the case of a wheeled facility, the side shall be measured from the pavement to the top of the container;
- (2) Directional signs, bearing no advertising message, may be installed to facilitate traffic circulation and/or if the facility is not visible from a public right-of-way; and
- (3) Authorization by the Community Development Director to increase the number and size of signs upon finding that such an increase is compatible with adjacent businesses.

c. The facility shall not reduce the landscaping areas which may be required by this Title for any concurrent use or under any permit or approval.

d. Parking

- (1) No additional parking spaces will be required for customers of a Small Collection Facility located in the established parking lot of a commercial use.
- (2) Mobile Recycling Units shall have an area clearly marked in the parking lot of the commercial use to prohibit other vehicular parking during hours when the Mobile Unit is scheduled to be present or operating.

5. Large Collection Facility

A large collection facility is one that occupies more than five hundred (500) square feet in area or is located on a separate parcel, not associated with an existing commercial use, and may have a permanent structure. Large collection facilities shall comply with the provisions of the zone district in which it is located and with the following conditions:

- a. Facility shall be located an appropriate distance, as determined by the City Council, from the property line of any lot zoned or planned for residential use; and

- b. Facility shall be screened from the public right-of-way by operating in an enclosed building or within an area enclosed by an opaque fence at least six (6) feet in height with landscaping and shall meet all applicable noise standards in this Title.
- c. Setbacks and landscape requirements shall be those provided for the zone district in which the facility is located;
- d. Storage
 - (1) All exterior storage of material shall be in sturdy containers that are covered, secured, and maintained in good condition.
 - (2) Storage containers for flammable material shall be constructed of non-flammable material.
 - (3) No storage excluding truck trailers and overseas containers, shall be visible above the height of the fencing.
- e. The site shall be maintained free of litter and any other undesirable materials and shall be cleaned of loose debris on a daily basis.
- f. Space shall be provided on-site for six (6) vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the Community Development Director determines that allowing overflow traffic above six (6) vehicles is compatible with the surrounding land uses.
 - (1) One (1) parking space shall be provided for each commercial vehicle operated by the recycling facility. Parking requirements shall be as provided for in the zone district in which the facility is located, except that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary such as when employees are transported in a company vehicle to a work facility;
 - (2) Noise levels shall not exceed sixty-five (65) dBA as measured at the property line of residentially zoned property, and shall not exceed seventy (70) dBA at any point on the property;
 - (3) If the facility is located within five hundred (500) feet of property zoned, planned, or occupied for residential use, it shall not be in operation between the hours of 7:00p.m. and 7:00 a.m.;
 - (4) Any containers or enclosures provided for after-hours donation of recyclable materials shall be at least fifty (50) feet from any property zoned, planned or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secured from unauthorized entry or removal of materials;
 - (5) Donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited; the facility shall display a notice stating that no material shall be left outside the recycling containers;

- (6) The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs shall meet the standards of the zone district. Directional signs may be installed with the approval of the Community Development Director, if necessary to facilitate traffic circulation or if the facility is not visible from a public right-of-way;
- (7) Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved at the discretion of the Community Development Director if noise and other requirements are met.

6. Development Standards for Processing Facilities

Processing facilities, both "Light" and "Heavy" as defined in section 20.1.190 (Definitions) of this Title, when permitted, shall comply with the provisions of this section in addition to the applicable provisions of the zone district in which the facility is located.

- a. The processing facility shall be located a minimum distance, to be determined by the City Council, from property planned, zoned or occupied for residential use. All operations shall take place within a fully enclosed building or within an area enclosed by a solid wood or masonry fence at least six (6) feet in height.
- b. Setbacks from property lines shall be those provided for the zoning district in which the facility is located, but, if the set back is less than twenty-five (25) feet, the facility shall be buffered by a landscape strip at least ten (10) feet wide along each property line;
- c. When located within five hundred (500) feet of property planned, zoned or occupied for residential use, hours of operation shall not be between 7:00 p.m. and 7:00 a.m. The facility shall be administered by on-site personnel during the hours the facility is open;
- d. Noise levels shall not exceed sixty-five (65) dBA as measured at the property line of residentially zoned or occupied property, and shall not exceed seventy (70) dBA at any point;
- e. Sign criteria shall be those specified in Chapter 20.14 (Sign Regulations) of this Title. In addition, the facility shall be clearly marked with the name and phone number of the facility operator and hours of operation;
- f. Any containers or enclosures provided for after hours donation of recyclable materials shall be at least fifty (50) feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secured from unauthorized entry or removal of materials;
- g. The facility shall be administered by on-site personnel during hours of operation;
- h. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers;

- i. No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties;
- j. Power-driven processing shall be permitted, provided all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting or source-separating recyclable materials, and repairing of reusable materials;
- k. A light processing facility shall be no larger than forty-five thousand (45,000) square feet and shall have no more than an average of two (2) outbound truck shipments of material per day and may not shred, compact or bale ferrous metals other than food and beverage containers;
- l. A processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code;
- m. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition or may be baled or placed on pallets. Storage containers for flammable material shall be constructed of non-flammable material. Oil storage shall be in containers approved by the County Director of Environmental Health Services; no storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing;
- n. Site shall be maintained free of litter and any other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present;
- o. Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers except where the Community Development Director determines that allowing overflow traffic above six (6) vehicles is compatible with surrounding businesses and public safety;
- p. One (1) parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as mandated by the zone district in which the facility is located.

7. **Site Cleanup Required**

The operator of any recycling collection or processing facility shall, on a daily basis, remove any and all recyclable materials or solid wastes which have accumulated or are deposited outside the containers, bins, or enclosures intended as receptacles for such materials. Upon failure to remove said materials, the City may deem them to be abandoned and may enter the site to remove the materials. The property owner(s) of the premises and the operator of the facility shall be liable for the full cost of any such cleanup work done by the City.

20.11.200

SECOND DWELLING UNITS

1. **Intent**

This section is intended to ensure that second dwelling units located in residential districts do not adversely impact adjacent residential parcels or the surrounding

neighborhood and are developed in a manner which protects the integrity of the residential district, while providing for needed housing opportunities for owners of eligible parcels.

2. Applicability

The provisions of this Section shall apply to all second dwelling units in addition to the provisions of the zone district in which it is located.

3. Definitions

As used in this Chapter, the following terms mean:

- a. Living Area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- b. Local Agency means the City of Delano
- c. Second Unit means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second unit also includes the following:
 - (1) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 - (2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

4. Development Standards

The following standards shall apply to all second units.

- a. The lot shall be zoned either "R-A" or "R-1."
- b. The lot must contain a primary dwelling unit either existing or proposed to be constructed concurrent with the second unit;
- c. The maximum allowable lot coverage shall not be exceeded;
- d. The maximum building height for a second dwelling unit shall be one (1) story, not to exceed eighteen (18) feet. No second unit shall be higher than the main dwelling on the same parcel;
- e. The second unit shall be subject to the minimum required front, side, and rear yard setbacks of the zone district in which the property is located;
- f. The second unit may be attached or detached to the primary residence, but shall be architecturally compatible with the main dwelling and the surrounding neighborhood;
- g. A second unit shall have adequate water supply and sewer service;

- h. The entrance to an attached second unit shall be separate from the entrance to the primary unit; and
- i. Second units shall be subject to all development fees including, but not limited to, public facilities impact fees, park fees and assessment districts, where so permitted.
- j. The floor area of the second unit shall not exceed fifty percent (50%) of the floor area of the primary single family residence on the property.
- m. One off-street parking space shall be provided for the second unit in compliance with the provisions of Table 13.A.1(Parking Regulations) of this Title.

20.11.210 SELF STORAGE WAREHOUSES

1. Intent

This section is intended to ensure that self-storage warehouse operations, commonly known as "mini-warehouses," do not result in an adverse impact on adjacent properties by reason of parking demand, traffic generation, fire, or safety hazard, or visual blight. The special conditions contained in this section are intended to differentiate self-service storage warehousing uses from more intensive wholesale or general warehousing uses, especially in regard to the differing parking requirements for these uses.

2. Applicability

The provisions of this section shall apply to all new self-storage warehouse uses, and to all existing facilities at such a time the storage area of an existing business is substantially expanded or modified, as defined in this Title.

3. Development Standards

a. Access and Parking

- (1) Driveways adjacent to parking lanes shall be twelve (12) feet in width for one-way traffic and twenty-four (24) feet in width for two-way traffic.
- (2) Access and circulation shall be designed to eliminate the need to back out of any drive or access.
- (3) One parking space shall be provided for each two hundred (200) square feet of floor area within the office and/or caretakers quarters provided, however, a minimum of four (4) parking spaces shall be provided.
- (4) The parking standards specified in this section for this use shall be applicable to this use only.

b. Outside Storage

No storage of materials outside an enclosed building may be permitted unless expressly designed for such purpose and approved as a part of the conditional use permit for the site.

20.11.220 SERVICE STATIONS**1. Intent**

This section is intended to ensure that service stations do not result in adverse impacts on adjacent land uses, especially residential uses. The traffic, glare, and uses associated with service stations, particularly those which are open twenty-four (24) hours a day, may be incompatible with adjacent land uses. To protect the health, safety, and general welfare of the City and its residents, these special regulations shall be imposed on the development and operations of service stations.

2. Applicability

A service station shall comply with the provisions of this section in addition to the property development standards and the permit procedures for the zone district in which it is to be located. The provisions of this section and this Title, as applicable, shall apply to all new service stations and to all existing service stations at such a time as those existing stations may come before the City for an expansion of twenty-five percent (25%) or greater in floor area, a remodeling, or any other development that would cost more than fifty percent (50%) of the value of the improvements on the parcel at the time of remodeling, excluding land value.

3. Minimum Development Standards**a. Minimum Street Frontage**

Each parcel shall have a minimum street frontage of one hundred (100) feet on at least one abutting street.

b. Setbacks

No building or structure, except canopies as provided below, shall be located within thirty (30) feet of any right-of-way line, or within twenty (20) feet of any interior parcel line.

c. Gasoline Pumps

Gasoline pumps shall be located no closer than twenty (20) feet from any property line.

d. Canopies

Canopies shall be located no closer than ten (10) feet from any property line.

e. Walls

Service stations shall be separated from adjacent property, which is zoned or used for residential purposes, by a decorative masonry wall of not less than six (6) feet in height, as approved by the Project Review Committee. Materials, textures, colors, and design of all walls shall be compatible with on-site development and adjacent properties. No wall higher than forty (40) inches in height shall be constructed within five (5) feet of a driveway entrance or vehicle access way which opens onto a street or alley. The wall shall be constructed to ensure a clear cross view of pedestrians on the sidewalk, alley, or elsewhere by motorists entering or exiting the parcel.

f. Paving

The site shall be entirely paved, except for buildings and landscaping.

g. Landscaping

The service station site shall be landscaped pursuant to the following standards:

- (1) A minimum of fifteen (15) percent of the site shall be landscaped, which may include a planting strip at least five (5) feet wide along interior parcel lines, non-driveway street frontages, and areas adjacent to buildings. Planters shall be surrounded by masonry or concrete curbs and so arranged to preclude motor vehicles from driving across the sidewalk at locations other than access driveways. Permanent opaque landscaping or berming shall be provided and maintained in the planters at a height of not less than three (3) feet above the average adjacent grade.
- (2) A minimum of one hundred fifty (150) square foot landscaped area shall be provided at the intersection of two (2) property lines at a street corner.

h. Access and Circulation

No more than one (1) driveway with a maximum width of thirty-five (35) feet shall be permitted on any one (1) street frontage and shall be located as follows:

- (1) Driveways shall be located no closer than fifty (50) feet from a street intersection and fifteen (15) feet from a residential property line or alley and shall not interfere with the movement and safety of vehicular and pedestrian traffic. Locations of all driveways shall be subject to the approval of the City Engineer.
- (2) All lubrication bays and wash racks shall be located within a fully enclosed building. Access to the service bays and wash racks shall not be located within fifty (50) feet of a residentially zoned property, and shall be oriented, when practical, away from public rights-of-way.

i. Air and Water

Each service station shall provide air and water to customers at a convenient location during hours when gasoline is dispensed.

j. Restrooms

Each service station shall provide a men's and women's public restroom that is accessible to the general public, including physically disabled persons, during all hours the service station is open to the public. Restrooms shall be identified by placing entrances or signage in a location that is clearly visible from the gasoline service area or cashier station, and shall be maintained on a regular basis.

k. Telephones

At least one public telephone shall be provided at each service station in a location that is easily visible from public rights-of-way.

l. Vending Machines

Coin-operated vending machines may be permitted within or abutting a structure for the purpose of dispensing items commonly found in service stations, such as refreshments and maps.

m. Location of Activities

All repair and service activities and operations shall be conducted entirely within an enclosed service building, except as follows:

- (1) The dispensing of petroleum products, water, and air from pump islands.
- (2) Replacement service activities such as wiper blades, fuses, radiator caps, and lamps.
- (3) The sale of items from vending machines placed next to the main building in a designated area not to exceed thirty-two (32) square feet.
- (4) The display of merchandise offered for customer convenience on each pump island, provided that the aggregate display area on each island shall not exceed twelve (12) square feet and that the products shall be enclosed in a specially designed case.
- (5) Motor vehicle products displayed along and within three (3) feet of the front of the building. Such display areas shall be limited to five (5) feet in height and not more than ten (10) feet in length.

n. Refuse Storage and Disposal

Trash areas shall be provided and screened on at least three sides from public view by a solid decorative wall not less than five (5) feet in height. Permanent opaque panel gates shall be installed on all openings to the trash area.

- (1) All trash shall be deposited in the trash area and the gates leading thereto shall be maintained in working order and shall remain closed except when in use.
- (2) Refuse bins shall be provided and placed in a location convenient for customers.
- (3) Trash areas shall not be used for storage. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment, or permanently disabled, junked, or wrecked vehicles may be stored outside the main building.

o. Equipment Rental

Rental of equipment such as trailers and trucks may be permitted, provided that:

- (1) The rental equipment does not occupy or reduce the availability of the required parking for the automobile service station.
- (2) The rental equipment storage location does not interfere with access and circulation on and around the site.
- (3) The rental of the equipment is incidental and secondary to the main activity on the site.

p. Operation of Facilities

- (1) The service station shall at all times be operated in a manner that is not detrimental to surrounding properties or residents. Site design and activities shall be conducted to avoid and minimize:
 - (a) Damage or nuisances from noise, smoke, odor, dust, or vibration.
 - (b) Hazards from explosion, contamination, or fire.
- (2) Service station hours of operation shall be as conditioned in the approved conditional use permit.

q. Security Plan

A security plan shall be developed by the applicant and approved by the Police Department prior to issuance of a building permit.

4. Abandoned or Converted Service Stations

- a. Where service stations become vacant or cease operation for more than one-hundred eighty (180) days, the owner shall be required to remove all underground storage tanks (in a manner acceptable to all applicable permitting/regulatory agencies), remove all gasoline pumps and pump islands, and remove all free-standing canopies.
- b. To confirm that a use has not been abandoned, the owner shall provide evidence to the Community Development Director with written verification prior to the 180th day that an allocation of gas has been received and operation of the station will commence within thirty (30) days of the date of written correspondence.
- c. Resumption of service station operations after the one hundred eighty (180) days, specified above, may be permitted upon review and approval by the Project Review Committee. Such a review may result in conditions of approval that may include but not be limited to the following:
 - (1) Replanting existing landscape areas;
 - (2) Installing new landscape areas;
 - (3) Painting of structures;

- (4) Upgrading or installing trash enclosures;
- (5) Striping parking spaces;
- (6) Installation of signs in conformance with adopted sign provisions in Chapter 20.14 of this Title;
- (7) Resurfacing vehicle access and parking areas; and
- (8) Installation of missing street improvements.

5. **Converted Service Stations:**

The conversion of service station structures and sites to another use may require upgrading and remodeling including, but not limited to removal of all gasoline appurtenances, removal of canopies, removal of pump islands, removal of overhead doors, additional landscaping, missing street improvements or modification of existing improvements to conform to access regulations, and exterior remodeling.

20.11.230 SIDEWALK CAFES

1. **Intent**

This section is intended to regulate the establishment and operation of sidewalk cafes that can enhance the pedestrian ambiance of the City, and to ensure that they do not adversely impact adjacent properties and surrounding neighborhoods.

2. **Applicability**

A sidewalk cafe shall comply with the provisions of this section in addition to the property development standards and permit procedures for the zone district in which it is located.

3. **Minimum Development Requirements**

a. **Accessory Use**

A sidewalk cafe shall be conducted as an accessory use to a legally established restaurant or other eating and drinking establishment.

b. **Enclosure**

Awnings or umbrellas may be used in conjunction with a sidewalk cafe, but there shall be no permanent roof or shelter over the sidewalk cafe area without written approval from the City Engineer. Awnings shall be adequately secured, and shall comply with the provisions of the latest edition of the Uniform Building Code adopted by the City.

c. **Fixtures**

The furnishings of the sidewalk cafe shall consist only of movable tables, chairs, and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the main building.

d. Refuse Storage Area

No structure or enclosure to accommodate storage of trash or garbage shall be erected or placed on or adjacent to the sidewalk cafe on either a public sidewalk or public right-of-way. Sidewalk cafes shall remain clear of litter at all times.

e. Hours of Operation

The hours of operation of the sidewalk cafe shall be limited to the hours of operation of the associated restaurant or eating and drinking establishment.

20.11.240 SURFACE PARKING LOTS

1. Intent

This section is intended to ensure that commercial parking facilities and surface parking lots located adjacent to residential districts will not adversely effect nearby residents or diminish the integrity of a residential district.

2. Applicability

All commercial parking facilities, including primary commercial parking uses, and accessory parking lots for associated commercial, industrial, institutional, and public uses shall comply with the provisions of this Section in addition to the applicable provisions of the zone district in which such a use is located.

3. Minimum Development Standards

a. Structures Permitted

A parking guard or attendant shelter may be permitted provided that the shelter does not exceed seventy-five (75) square feet, is not more than twelve (12) feet in height, is not located in any required setback area, and is located at least fifty (50) feet from any adjacent residential parcel.

b. Vehicle Access

Where practical, vehicular access to parking lots from public streets shall be located a minimum of forty (40) feet from any residentially zoned parcel.

20.11.250 SWIMMING POOLS AND RECREATION COURTS (PRIVATE)

1. Intent

This section is intended to ensure that the construction of swimming pools and recreational courts within residential districts is consistent with the residential character of the neighborhood.

2. Applicability

The provisions of this section shall apply to the construction of swimming pools or recreational courts located on individual residential lots as accessory uses to primary residential use of the same lot.

3. Permit Required for Accessory Use

Swimming pools and recreational courts may be permitted as an accessory use to a primary residential use, subject to securing a City building permit.

4. Swimming Pools

- a. Swimming pools shall be set back a minimum of five (5) feet from the rear property line and five (5) feet from the side property lines as measured perpendicularly to the edge of the swimming pool coping. Encroachment of up to two (2) feet into this setback area may be granted by the Building Official upon review and approval of stamped engineering calculations demonstrating that such encroachment will not compromise the structural integrity of any surrounding buildings or structures.
- b. A swimming pool shall not, in any circumstance, be located within a side yard setback area of the street side of a reverse corner lot, nor shall a swimming pool be located within a front yard set back area.
- c. Swimming pool equipment shall not be located within a street side yard setback area nor in a front yard setback area.
- d. Swimming pools shall not be located closer than ten (10) feet to any building; unless stamped engineering calculation, reviewed and approved by the Building Official, demonstrate that placement of a swimming pool closer than ten (10) feet to any building will not compromise the structural integrity of that building and/or that building foundation.
- e. Swimming pools, spas, and hot tubs shall comply with "Special Use and Occupancy" requirements of the latest City adopted addition of the Uniform Building Code.

5. Recreational Courts

- a. The maximum height of fences enclosing recreational courts shall be ten (10) feet.
- b. Recreational courts shall be set back a minimum of ten (10) feet from the side property line, ten (10) feet from the rear property line, and fifty (50) feet from the front property line.
- c. A maximum of eight (8) lights may be permitted. Said lights shall not exceed a height of twenty-two (22) feet.
- d. All lighting shall:
 - (1) Be designed, constructed, mounted, and maintained so that the light source is cut off when viewed from any point above five (5) feet, measured at the lot line; and
 - (2) Be used only between the hours of 7:00 a.m. and 10:00 p.m.
- e. The surface of a recreational court shall be designed, painted, colored, and/or treated to reduce reflection from any lighting thereon.

- f. The above listed standards shall be considered minimum standards. The Project Review Committee may impose more stringent standards if it is determined that such standards are required to achieve consistency with the intent and purpose of the General Plan and this Title.

20.11.260 VEHICLE REPAIR FACILITIES

1. Intent

This section is intended to regulate the establishment and operation of vehicle repair facilities to reduce or eliminate potential noise, fumes, litter, and parking problems associated with motor vehicle repair shops. The provisions of this Section are further intended to ensure that vehicle repair facilities are compatible with adjacent and surrounding land uses.

2. Applicability

Each vehicular repair facility, including those which may be part of an incorporated dealership, shall comply with the provisions of this section in addition to the development standards and permit procedures of the zone district in which it is to be located and with other applicable provisions of this Title.

3. Minimum Development Standards

- a. Paving

The portion of the site devoted to vehicle repair facilities shall be entirely paved, except for buildings and landscaping.

- b. Structures

When practical, entrances to individual service bays shall not face public rights-of-way or abutting residential parcels.

- c. Repair Activities

All repair activities, operations, and storage of materials shall be conducted entirely within an enclosed building. Outdoor hoists are prohibited.

- d. Enclosure

Repair facilities, performing body and fender work, or similar noise-generating activities, shall be conducted within a fully enclosed structure. All painting shall occur within a fully enclosed booth that meets all requirements of the Uniform Building Code and section 20.12.30 (Air Quality) of this Title.

- e. Litter

The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No new, used, or discarded automotive parts, equipment, or permanently disabled, junked or wrecked vehicles may be stored outside of a building.

f. Storage

Exterior parking area shall be used for employee and customer parking only, and not for the repair or finishing work or long term (over one week) storage of vehicles. No vehicles to be repaired shall be parked or stored on any street or alley.

g. Hazardous Materials

Any handling, treatment, storage, or use of hazardous materials shall be subject to the requirements of section 20.10.110 (Hazardous Materials Management) of this Title.

PERFORMANCE STANDARDS

CHAPTER 20.12

PERFORMANCE STANDARDS

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20.12.10 **PURPOSE AND INTENT**

The performance standards outlined in this section are intended to describe the location, configuration, design, amenities, operation, and other standards for existing and proposed development projects which have the capability of impacting the surrounding neighborhood. The performance standards set maximum limits on adverse environmental effects created by any use or development of land.

20.12.20 **APPLICABILITY****1.** **Applicability**

Unless otherwise specified, the performance standards contained within this section are intended to apply to land uses within the City, in addition to standards of the zone district within which the use is located and other applicable portions of this Title.

2. **Administration and Management**

The standards of this Chapter shall be enforced in an ongoing manner by the Community Development Director. Upon discovery of any potential violation of these standards, the Community Development Director shall investigate, using such instruments as may be necessary. If a violation is found to exist, the violation shall be abated as prescribed in section 20.1.40 (Enforcement) of this Title.

3. **Exemptions**

The following sources of nuisances are exempt from the provisions of this Chapter.

- a. Emergency equipment, vehicles, devices, and activities.
- b. Temporary construction, maintenance, or demolition activities from between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset.

20.12.30 **AIR QUALITY**

No operation or activity shall cause the emission of any smoke, fly ash, dust, fumes, vapors, gases or other forms of air pollution which can cause material damage to health, or property, or which can cause excessive dirt on any other lot. No emission shall be permitted which exceeds the requirements of the San Joaquin Valley Unified Air Pollution Control District and/or the requirements of any Air Quality Plan adopted by the City.

20.12.40 **ELECTRICAL OR ELECTRONIC INTERFERENCE**

No operation or activity shall cause any source of electrical or electronic disturbance that adversely affects either persons or the operation of any equipment on any other lot which is in conformance with the regulations of the Federal Communication Commission.

20.12.50 **FIRE AND EXPLOSIVE HAZARDS**

Any operation or activity involving the storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and shall provide adequate fire-fighting and fire suppression equipment and devices in accordance with

the requirements of the Uniform Fire Code and the Fire Department. Burning of waste materials in an open fire is prohibited.

20.12.60 HAZARDOUS MATERIALS AND WASTES

The release or emission of hazardous materials and wastes into the atmosphere, ground, or sewage systems is prohibited.

20.12.70 HEAT AND COLD

No operation or activity shall emit heat or cold which would cause a temperature increase or decrease on any adjacent property in excess of ten (10) degrees Fahrenheit, whether the change is in the air, on the ground, or in any structure.

20.12.80 LIGHT AND GLARE

No operation, activity, sign, or lighting fixture shall create illumination which exceeds one-half (1/2) foot candles on any adjacent property, whether or not the illumination is from a direct or indirect light source. All lighting shall be designed to project downward and shall not create glare on adjacent properties.

20.12.90 LIQUID AND SOLID WASTES

No operation or action shall discharge at any point into any public street, public sewer, private sewage disposal system, stream, body of water, or into the ground any materials which can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance Chapter 13.24 and Chapter 13.48, Title 13 of the Municipal Code.

20.12.100 MAINTENANCE OF OPEN AREAS

All open areas shall either be landscaped and/or be surfaced, treated and maintained permanently in a manner which will minimize dust.

20.12.110 MECHANICAL AND ELECTRICAL EQUIPMENT

All such equipment, including air conditioners, antennas, pumps, transformers, and heating and ventilating equipment shall be located and operated in a manner that does not materially disturb adjacent uses and activities.

20.12.120 NOISE AND SOUND

Unless otherwise specified in Chapter 20.10 (General Development Standards) and Chapter 20.11 (Specific Use Development Standards) of this Title, all commercial and industrial uses shall be operated so that no loudspeakers, bells, gongs, buzzers, or other noise attention or attracting devices exceeds seventy (70) dBA in nonresidential areas or fifty-five (55) dBA in residential areas at any one time beyond the boundaries of the property.

20.12.130 ODORS

No operation or activity shall be permitted which emits odorous gases or other odorous matter in such quantities as to be dangerous, injurious, noxious, or otherwise objectionable to a level that is detectable without the aid of instruments at or beyond the property lot lines.

20.12.140 OUTDOOR STORAGE, TRASH AREAS, AND SERVICE AREAS

All areas for storage of maintenance equipment or vehicles, refuse and collection areas, and service areas shall be enclosed or effectively screened from public view by a fence, wall, landscaped area, berm, or a combination thereof.

20.12.150 SMOKE

No operation or activity is permitted to emit excessive smoke, fumes, or dust which exceeds the requirements or levels specified by the San Joaquin Valley Unified Air Pollution Control District.

20.12.160 VIBRATION

No use shall be permitted which creates a steady-state, earth-borne oscillation which is continuous and occurring more frequently than one-hundred (100) times per minute on adjacent properties. The ground vibration caused by moving vehicles, trains, aircraft, or temporary construction or demolition is exempted from these limits.

CHAPTER 20.13

PARKING REGULATIONS

Community Development Director and shall be accompanied by a study addressing the following issues.

- (1) Type and operation of gate,
- (2) Adequacy of vehicle stacking area,
- (3) Effect of gated entry on parking usage and distribution on the site, and
- (4) Effect of gated entry on parking for surrounding or adjacent areas.

8. Loading Area Design Requirements

- a. Loading areas shall be designed to provide adequate area for backing and maneuvering on-site, and shall not require maneuvering within public rights-of-way or backing onto or from a public street.
- b. Loading doors fronting a public street shall not be located closer than seventy (70) feet from the property line, and shall not encroach into side or rear setback areas.
- c. Screen walls and wing walls for screening loading areas shall have a maximum height of twelve (12) feet.

Table 13.E
Driveway Dimensions for Multifamily
Dwellings and Nonresidential Uses

Driveway Dimension	
Width, excluding flares or curb radius	
Minimum (one-way)	15 ft.
Minimum (two-way)	24 ft.
Maximum	36 ft.
Turn Radius ¹	
Minimum	15 ft.
Maximum	50 ft.
Minimum Spacing ²	
From side property line	5 ft.
From street corner	15 ft.

1. On-site of driveway exposed to entry or exit by right turning vehicles. Applicable only to driveways with curb radius.
2. Minimum spacing is measured along the curb line from the top of driveway "x" to the side property line, or the beginning of the intersection.

Note: A larger dimension if required for emergency vehicle access

- c. All landscaped areas shall be provided with an automatic irrigation system, which shall be continuously maintained.
- d. In addition to the preceding landscape standards, parking facilities containing more than three thousand six hundred (3,600) square feet of uncovered parking area shall include landscape islands at the ends of all parking lanes.
- e. The parking area landscape standards, contained herein, shall not apply to temporary parking facilities; however, minimum landscaping may be required for temporary parking facilities as part of the issuance of a temporary use permit.

7. Access

a. Parking Access from Streets

- (1) Access to parking spaces, other than four (4) or fewer spaces serving a residential use, shall not require backing onto a public or private street.
- (2) All spaces within a parking facility shall be accessible without entering a public right-of-way or private street.

b. Driveway Widths and Clearances

For purposes of this Section, a driveway shall be defined as an access leading from a public street, a right-of-way, or a private street to a parking area, or from one parking area to another, but shall not be defined to include any aisle, or maneuvering area. All driveways shall comply with the following standards.

- (1) Driveways for single family structures shall not be less than ten (10) feet in width for a one-car garage and sixteen (16) feet in width for a two-car garage, and shall be maintained free and clear of all obstructions.
- (2) Driveways for multifamily dwelling units and nonresidential uses shall be in accordance with the requirements of Table 13.E of this Chapter.
- (3) Driveways which serve a single family development shall be defined as the paved area leading from a public street, or right-of-way, or a private street to the designated parking area.
- (4) All abandoned or unused existing driveway approaches, within a street right-of-way, shall be removed and shall be replaced with sidewalk, curb, and gutter at the expense of the lot owner in accordance with the standards adopted in this Title.

c. Gated Entries

Gates which serve to limit or control access to parking facilities require special consideration and regulation since their design may significantly impact parking demand and usage, as well as vehicular circulation into and within the parking area. Requests for gated entries shall be submitted to the

- g. Bicycle facilities shall be located in highly visible areas to minimize conditions conducive to theft and vandalism.

6. Landscape and Screening Requirements

- a. Each unenclosed parking facility, excluding detached single-family residences, shall contain a minimum landscaped area in accordance with Table 13.D. of this Chapter. Where the total parking provided is separated by differences in grade or by at least ten (10) feet of non-paved area, each such area shall be considered to be a separate facility for the purpose of this requirement.

The parking area shall be computed by including the areas used for access drives, aisles, stalls, maneuvering areas, and landscaping areas within that portion of the project site that is devoted to vehicular parking and circulation.

Table 13.D
Minimum Parking Area Landscaping

Size of Facility (in square feet)	Minimum Landscape Area (percent of total parking area)
Under 15,000 feet	5.0%
15,001 - 29,999	7.5%
30,000 and greater	10.0%

- b. No more than twelve (12) parking spaces shall be permitted in a single row unless separated by a landscaped island. Should anyone submitting a development proposal be either unwilling or unable to comply with this provision, that person may appear before the PRC for its determination as to whether or not this provision shall apply.
 - (1) Landscaped islands shall have the following minimum dimensions, exclusive of curbing, and shall be of sufficient size to accommodate the growth of trees.
 - (a) Five (5) feet wide by nineteen (19) feet long for a single row of full size parking spaces
 - (b) Five (5) feet wide by thirty-eight (38) feet long for a double row of full size parking spaces.
 - (c) Five (5) feet wide by sixteen (16) feet long for a single row of compact parking spaces.
 - (d) Five (5) feet wide by thirty-two (32) feet long for a double row of compact parking spaces
 - (2) Within each landscaped island, a minimum of one (1) canopy-type tree, at least fifteen (15) gallons in size, shall be provided.

g. Surfacing

- (1) All permanent parking spaces, as well as loading and maneuvering areas, shall be paved and permanently maintained with asphalt or concrete, or an alternative all-weather surfacing material approved by the City Engineer.
- (2) In order to prevent damage to pavement from motorcycle kick stands, required motorcycle parking areas shall be paved with concrete or equivalent surfacing material approved by the City Engineer.
- (3) All bicycle parking and storage areas shall be surfaced to keep the area in a dust-free condition.
- (4) Temporary parking facilities shall be provided with surfaces to prevent dust.

5. Location of Parking

- a. All parking spaces shall be provided on the same site as the use requiring the parking spaces, except as authorized in section 20.13.50 (Adjustments to Off-Street Parking Requirements) of this Chapter.
- b. All automobile spaces required for multifamily residential uses shall be located a maximum of one hundred-fifty (150) feet from the dwelling units they are serving.
 - (1) Distances shall be measured from a dwelling unit's entry to the parking space(s) serving that unit. For developments where a stairway or elevator provides access to a dwelling, the ground floor entry to that stairway or elevator shall be considered to be the dwelling entry for purposes of measuring distances to parking spaces.
 - (2) Because design considerations may make it impossible or undesirable to meet the maximum distance requirement, a variation to this requirement may be approved pursuant to section 20.13.50 (Adjustments to Off-Street Parking Requirements) of this Chapter.
- c. All handicapped spaces shall be located as closely as possible to the entrance to the use they are intended to serve and shall be oriented so that the user of the handicapped parking space need not go past the rear of the parking space in order to reach said entrance.
- d. All car pool parking spaces shall be clearly marked "Reserved for Carpool" and shall be located as close as possible to the entrance of the use they are intended to serve.
- e. Permitted compact car spaces shall be dispersed throughout the parking facility in groups of five (5) or more, if at least five (5) compact spaces are provided. The location of compact parking facilities shall be approved by the Community Development Director.
- f. All bicycle spaces shall be located as closely as possible to the entrance of the use they are intended to serve, but situated in a way that does not obstruct primary pedestrian circulation.

e. Shopping Cart/ Hand Cart Storage

Parking facilities serving uses that make use of shopping carts/hand carts such as, but not limited to, supermarkets, drug stores, and lumber stores, shall contain shopping cart/hand cart storage areas. The dimensions and locations of such storage areas for the proposed use shall be approved by the Community Development Director.

f. Striping and Identification

- (1) All automobile parking spaces shall be clearly outlined with painted lines not less than three (3) inches in width on the surface of the parking facility consistent with the dimensions specified in Table 13.C of this Chapter.
- (2) In addition to the requirements of section 20.13.60.1.a.(7) of this Chapter, all handicapped parking spaces shall be striped and marked according to applicable State standards.
 - (a) Each parking space reserved for the handicapped shall be identified by a permanently affixed reflectorized sign, of a construction and material approved by the Public Works Director, displaying the international symbol of accessibility. The sign shall have a minimum size of seventy (70) square inches, and shall be centered at the interior end of the parking space at a maximum height of eighty (80) inches from the bottom of the sign to the finished grade of the parking space.
 - (b) At each entrance to a parking facility containing one (1) or more parking spaces for the handicapped, a sign with a minimum size of seventeen (17) inches by twenty-two (22) inches shall be posted, stating clearly and conspicuously in letters with a minimum height of one (1) inch the following:

"Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____."
 - (c) Parking spaces reserved for the handicapped shall have, in addition to the requirements of Paragraph (2) above, a surface identification in blue paint of at least three (3) square feet in size, duplicating the international symbol of accessibility.
- (3) All parking spaces for compact cars shall be clearly identified as "Compact Car Only."
- (4) All motorcycle parking spaces shall have bollards installed and appropriately spaced to prevent automobile usage. Motorcycle spaces shall be marked in a manner to be clearly identified as motorcycle use only.

4. Standard Improvements

a. Directional Arrows and Signs

- (1) Within parking facilities containing twenty-one (21) or more spaces, all aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows to facilitate vehicular movement.
- (2) In addition to directional arrows, the City Engineer may require installation of signs to ensure safe and efficient vehicular movement.

b. Drainage

All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities for the disposal of water without surface flow over sidewalks within public rights-of-way.

c. Lighting

- (1) All parking facilities, except those serving two or fewer dwelling units shall be provided with night time security lighting.
- (2) Parking area lighting shall be designed to confine emitted light to the parking area.
- (3) Parking area lighting shall be of an energy-efficient type, such as, but not necessarily limited to, high or low pressure sodium lamps.

d. Safety Features

- (1) Additional requirements and guidelines for parking facility safety, including design, internal layout, acceptable turning radii, pavement slope, vehicular and pedestrian circulation, and other design features may be imposed by the City Engineer when determined to be appropriate.
- (2) The City Engineer may require cross-aisles within parking areas where necessary to prevent safety hazards and vehicular congestion on public streets which might otherwise be created by vehicles queuing, by utilizing public streets to travel between parking aisles, or by using the parking area as a "short-cut" between public streets.
- (3) Visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering or exiting a parking facility. To the extent possible, the parking facility shall be designed so that primary pedestrian traffic to and from building entrances is along, rather than across parking aisles.
- (4) Bicycle and automobile parking areas shall be separated by a physical barrier of sufficient identification and distance to protect parked bicycles from damage by cars.

Table 13.C
Off-Street Parking Standards

PARKING ANGLE & STALL WIDTH	STALL WIDTH PARALLEL TO AISLE (A)	STALL LENGTH OF LINE (B)	STALL DEPTH PERPENDICULAR TO WALL (C)	AISLE WIDTH (D)	STALL DEPTH TO INTERLOCK (E)	MODULES				BUMPER OVERHANG (I)	OFFSET (J)	SETBACK (K)	CROSS- AISLE ONE- WAY (L)	CROSS- AISLE TWO- WAY (L)
						WALL TO INTERLOCK (F)	INTERLOCK TO INTERLOCK (G)	INTERLOCK TO CURB (H)	WALL TO WALL (2C+D)					
30°														
8.0'	16.0'	29.9'	14.9'	13.0'	11.5'	39.4'	36.0'	37.8'	42.8'	1.6'	4.0'	13.9'	14.0'	24.0'
9.0'	18.0'	35.6'	17.8'	12.0'	13.9'	43.7'	39.8'	42.1'	47.6'	1.6'	4.5'	17.3'	14.0'	24.0'
45°														
8.0'	11.3'	24.0'	17.0'	13.0'	14.2'	44.2'	41.4'	42.4'	47.0'	1.8'	5.7'	11.3'	14.0'	24.0'
9.0'	12.7'	29.0'	20.5'	12.0'	17.3'	49.8'	46.6'	48.0'	53.0'	1.8'	6.4'	14.1'	14.0'	24.0'
90°														
8.0'	8.0'	16.0'	16.0'	24.0'	16.0'	56.0'	56.0'	53.5'	56.0'	2.5'	0.0'	0.0'	14.0'	24.0'
9.0'	9.0'	19.0'	19.0'	24.0'	20.0'	62.0'	62.0'	59.5'	62.0'	2.5'	0.0'	0.0'	14.0'	24.0'

NOTES

- ① MARKINGS IN PARKING LOTS SHALL BE PAINTED WITH WHITE TRAFFIC LINE PAINT (RAPID DRY WATER BORNE) THAT MEETS CURRENT CALTRANS STANDARDS FOR HIGHWAY MARKINGS, EXCEPT FOR MARKINGS DENOTING HANDICAP PARKING SPACES WHICH SHALL BE BLUE IN COLOR. SEE HANDICAP PARKING DETAIL.
- ② MINIMUM 2-WAY DRIVE AISLE WIDTHS SHALL BE 24' UNLESS BACKING WIDTH GOVERNS (SEE NOTE 3).
- ③ AISLE WIDTH (D) IS MINIMUM 1-WAY AISLE WIDTH FOR BACKING PURPOSES
- ④ PARALLEL PARKING STALL LENGTH = $18' + 4' = 22'$
- ⑤ MINIMUM DRIVE ENTRANCE SHALL BE 12' (ONE-WAY) OR 24' (TWO-WAY).
- ⑥ CAUTION MUST BE TAKEN TO ENSURE THAT VEHICLES DO NOT BACK UP OVER SIDEWALKS.

(4) Uncovered Space, Compact

Each uncovered compact space shall be a minimum of eight (8) feet in width and sixteen (16) feet in depth.

(5) Parallel Space

Each parallel parking space shall have a minimum dimension of eight (8) feet wide by twenty-two (22) feet long. However, if there is only one (1) parallel space, and access is adequate to that space, the length may be reduced to twenty (20) feet.

(6) Tandem Space

Each tandem space shall be a minimum of nine (9) feet in width and twenty-two (22) feet in depth.

(7) Handicapped Parking Spaces, all applicable uses.

Each handicapped parking space shall be a minimum of fourteen (14) feet wide, lined to provide a nine (9) foot wide parking area and a five (5) foot wide loading area, and shall be a minimum of nineteen (19) feet in depth. If two (2) handicapped spaces are located adjacent to each other, they may share the five (5) foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces.

b. Motorcycle Parking Spaces for all Applicable Uses

Each motorcycle parking space shall have a minimum usable area of fifty-six (56) square feet.

c. Recreational Vehicle Spaces, Multifamily Residential Uses

Recreational vehicle spaces shall require a minimum of four hundred (400) square feet of usable area.

2. Drive-Through Facilities

Drive-through facilities shall be designed to conform to the specific standards designated in section 20.11.15 of this Title.

3. Dimensions of Parking Bays and Aisles

The minimum dimensions of parking bays and maneuvering aisles shall be as set forth in Table 13.C. of this Chapter.

5. Off-Site Parking Facilities

Required parking for a development may be provided off-site under certain instances. Requests for off-site parking facilities shall meet the following requirements:

- a. The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination, the following shall be considered:
 - (1) Proximity of the off-site parking facilities;
 - (2) Ease of pedestrian access to the off-site parking facility;
 - (3) The type of use which the off-site parking is intended to serve, recognizing that such facilities are generally not appropriate for high-turnover uses;
 - (4) The need for locating parking facilities off-site, and the resulting urban design benefits of off-site parking, if any.
- b. As a condition of granting approval to the development of off-site parking facilities, the applicant and other involved parties shall be required to sign an agreement ensuring the continued availability of the off-street parking facilities for the use they are intended to serve.

20.13.60

DESIGN STANDARDS

1. Dimensions of Parking Spaces

a. Automobile

(1) All Uses

All parking spaces shall provide an additional two (2) feet to the required parking space width where such parking spaces are adjacent to a wall, supporting column or post, garage wall, or other obstruction.

(2) Covered/Enclosed Spaces

Covered parking spaces shall be a minimum of nine (9) feet in width and nineteen (19) feet in depth. The measurements shall not include the exterior walls or structural supports. Minimum width for private residential enclosed garage door openings shall be eight (8) feet for a one-car garage, and sixteen (16) feet for a two-car garage.

(3) Uncovered Spaces, Full-Size

Each full-size uncovered space shall be a minimum of nine (9) feet in width and nineteen (19) feet in depth.

covenants, and restrictions; or creation of other legal instruments to assure the permanent continuation of the circumstances under which parking requirement reductions were granted.

- e. Where parking spaces are provided for an individual development on a separate parcel, a joint access agreement will be required between affected property owners, in a form acceptable to the City.

3. Transportation Management Plans

- a. The number of parking spaces required for a project may be decreased up to twenty percent (20%) subject to PRC approval of a transportation management plan supplied by the applicant for those applications requesting more than a ten percent (10%) reduction. Said plan shall provide evidence that identifies the actual parking requirement and supports and justifies the parking reduction request. Such a plan may include, but is not limited to car pooling, van pools, and staggered work hours.
- b. Decreases in the required number of parking spaces, approved pursuant to this subsection, may be in addition to any other reductions allowed by this section.
- c. Before approving such a request, the PRC shall consider, among other factors:
 - (1) Projected effectiveness of car pool, van pool, staggered work hours, or similar transportation management programs.
 - (2) Proximity to public transportation facilities that could be reasonably expected to serve a significant portion of employees and/or customers.
 - (3) Evidence of the likelihood that employees and/or customers will utilize regular transportation alternatives rather than individual use of automobiles, including transportation management plans prepared pursuant to San Joaquin Unified Air Pollution Control District requirements and Chapter 20.12 of this Title.

4. Low Percentage of Usable Space

- a. Where buildings contain extensive areas of employee facilities such as, but not limited to, cafeterias, racquetball courts, health facilities, covered patios, multiple stairways and elevator shafts, or atriums in multiple story buildings, gross leasable space may be significantly below the eighty-five percent (85%) average assumed in the parking schedules. In such cases, a proportionate reduction in parking requirements may be granted by the PRC.
- b. To be eligible for reduction in parking requirements, due to low percentage of usable space, the applicant shall submit a detailed floor plan breaking down the proposed usage of all square footage within the building.
- c. As a condition of granting a reduction in parking requirements, due to low percentage of usable space, the applicant shall be required to sign an agreement stating that the percentage of leasable space will not be increased unless additional parking is provided pursuant to the requirements of this Chapter.

2. Shared Parking

- a. A maximum reduction of thirty percent (30%) of the minimum parking requirements for individual uses may be granted by the Planning Agency where joint use of parking facilities or other factors will mitigate peak parking demand.
- b. Requests for parking reductions resulting from joint usage shall be supported by information that generally follows the format described below.
 - (1) Initial project review involves documentation and quantification of proposed land uses and anticipated functional relationships between the parking needs of different land uses. The initial review will consist of data gathering regarding proximity to transit facilities, general location of parking facilities, surrounding land uses and mix, predicted pedestrian patterns, and similar variables which affect parking needs.
 - (2) Adjustments for Peak Parking Factor includes calculating the number of off-street parking spaces required for each land use within the area proposed for joint parking use based upon the requirements of section 20.13.30 of this Chapter. Other elements to be considered include seasonal adjustment for parking demand and a determination of the mode of transit used in reaching or departing the area being considered.
 - (3) Analysis of Hourly Accumulation involves an estimation of hourly parking accumulations for each land use during a typical week day or weekend day.
 - (4) Estimate of Shared Parking merges the hourly parking demand estimate to calculate the overall parking required to be provided within the area being considered for shared parking facilities.
- c. In granting parking reductions for shared use of parking facilities, the Planning Agency shall make one or more of the following findings:
 - (1) The report justifies the requested parking reduction based upon the presence of two (2) or more adjacent land uses which, because of their substantially different operating hours or difference peak parking characteristics, will allow joint use of the same parking facilities.
 - (2) The report indicates that there are public transportation facilities and/or pedestrian circulation opportunities that justify the requested reduction of parking facilities.
 - (3) The report finds that the use otherwise adheres to the parking standards in this Chapter.
 - (4) The report finds that the clustering of different land uses is such that a reduced number of parking spaces can serve multiple trip purposes to the area in question.
- d. As a condition of approval to the granting of a reduction in required parking, the Planning Agency may require the granting of reciprocal access and parking agreements with surrounding properties; recordation of conditions,

- (6) Allow forty-five percent (45%) of a parking lot, located on the site of the structure/use, to be compact spaces, instead of twenty-five percent (25) as permitted in section 20.13.20 of this Chapter; or
 - (7) Allow tandem parking where it is determined that such parking would be effectively and safely used; or
 - (8) Allow for the deletion of the loading space requirements prescribed by section 20.13.40 of this Chapter; or
 - (9) Provide for in-lieu fees where such fees are applied to an identified parking district or other similar mechanism that will contribute to the development of public parking within the general area.
- c. The PRC may approve a parking adjustment with conditions which are found to be necessary to effectuate the purpose of these adjustments within the Downtown Commercial zone district; the decision of which may be appealed to the City Council as provided in section 20.2.180 (Appeals) of this Title.
- (1) Notice

Notice of an application for a parking adjustment shall be published in a newspaper of general circulation not less than ten (10) days prior to the date set for the PRC hearing. Notices shall also be mailed not less than ten (10) days prior to the date of the meeting to owners of property within a radius of three hundred (300) feet of the external boundaries of the property proposed for the modification described on the application, using for this purpose the name and address of such owners as shown on the latest official tax role of the County.
 - (2) Findings for Approval

The PRC, in approving a Parking Adjustment, shall find as follows:

 - (a) The proposed parking modification and use of the structure is necessary or desirable for the development of the community, is in harmony with the various elements and objectives of the General Plan, and is not detrimental to existing uses or to uses specifically permitted in the zone district;
 - (b) That approving the proposed parking adjustment and use will significantly improve the possibility that the structure will be preserved and maintained;
 - (c) That the required parking cannot be provided without the approval of the requested adjustment;
 - (d) That the proposed parking scheme will function safely;
 - (e) That approval of the parking adjustment will not harm the integrity of the structure or the surrounding neighborhood.

**Table 13.B
Off-Street Loading Requirements**

Type of Use	Size	Spaces Required
	Over 200,000 square feet	3
D. INDUSTRIAL USES		
1. Manufacturing, Warehouse and Distribution	0 - 29,999 square feet	1
	30,000 - 69,999 square feet	2
	70,000 - 120,000 square feet	3
	For each additional 50,000 gross square feet over 120,000	1
2. Research and Development	0 - 9,999 square feet	1
	10,000 - 99,999 square feet	2
	100,000 - 199,999 square feet	3
	Over 200,000 square feet	4

Table 13.B
Off-Street Loading Requirements

Type of Use		Size	Spaces Required
A. RESIDENTIAL USES			
1.	Single Family Detached, Single Family Attached, Multiple Family, Model Home Complexes		None
2.	Senior Housing (where meals are provided in common dining facilities)		2
3.	Mobile Home Parks and Subdivisions		None
B. COMMERCIAL USES			
1.	Automotive Uses	0 - 29,999 square feet	1
		30,000 - 69,999 square feet	2
		70,000 - 120,000 square feet	3
		For each additional 50,000 gross square feet over 120,000	1
2.	Hotel, Motel	0 - 9,999 square feet	0
		10,000 - 99,999 square feet	1
		100,000 - 199,999 square feet	2
		Over 200,000 square feet	3
3.	Offices: Administrative, Business, Professional, Medical, Veterinary	0 - 9,999 square feet	0
		10,000 - 99,999 square feet	1
		100,000 - 199,999 square feet	2
		Over 200,000 square feet	3
4.	General Retail and Business Services, Eating and Drinking Facilities	0 - 4,999 square feet	1
		5,000 - 29,999 square feet	2
		30,000 - 69,999 square feet	3
		70,000 - 120,000 square feet	4
		For each additional 50,000 square feet over 120,000 square feet	1
C. MEDICAL AND HEALTH SERVICES			
1.	Convalescent and Nursing Homes		2
2.	Hospitals	0 - 9,999 square feet	1
		10,000 - 99,999 square feet	2
		100,000 - 199,999 square feet	3
		Over 200,000 square feet	4
3.	Medical/Dental Offices and Clinics; Veterinary Hospitals and Clinics	0 - 9,999 square feet	0
		10,000 - 99,999 square feet	1
		100,000 - 199,999 square feet	2

4. Recreational Vehicle Parking Spaces

Recreational vehicle spaces shall not be permitted within multiple family residential developments unless a parking facility for recreational vehicles, as approved by the Planning Agency, is specifically provided as part of the multiple family residential development.

20.13.40 SCHEDULE OF OFF-STREET LOADING REQUIREMENTS

1. Loading space design standards are provided in section 20.13.60 of this Chapter.
2. Minimum off-street loading space requirements for uses within the City are specified in Table 13.B of this Chapter.

20.13.50 ADJUSTMENTS TO OFF-STREET PARKING REQUIREMENTS

1. Modified Parking Requirements in the Downtown Commercial Zone District
 - a. Modified parking requirements have been developed for use in the Downtown Commercial zone district as an incentive to preserve and maintain existing historic structures. The Project Review Committee (PRC) shall have the authority to approve a request for a parking adjustment, subject to the provisions of this section; the decision of which may be appealed to the City Council as provided in section 20.2.180 of this Title.
 - b. For land uses located in the Downtown Commercial zone district, off-street parking requirements may be modified by the PRC by utilizing the following techniques:
 - (1) A reduction of the required number of parking spaces by twenty percent (20%); or
 - (2) The crediting of on-street parking spaces which are adjacent to the frontage of the designated structure/site towards the total number of required off-street parking spaces required for the use, provided that a determination is made that such on-street parking spaces will remain available for public parking during all business hours in the future. No on-street parking spaces located within fifteen (15) feet of a "stop sign" or corner radius shall be counted. No on-street parking spaces located in front of a bus stop shall be counted; or
 - (3) A reduction in two-way aisle widths, as specified in Table 13.C. of this Chapter, from twenty-four (24) feet to twenty-two (22) feet, or
 - (4) Allow the use of off-site parking in parking lots that are located within four hundred (400) feet of the structure, where the applicant has provided adequate incentives for the use of such parking lots; or
 - (5) Allow vehicles to back out onto alleys where it is determined that visibility is good and such backing out of vehicles can be done safely; or

20.13.30

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

1. Automobile Parking Requirements

Minimum off-street automobile parking requirements for uses within the City are specified in Table 13.A. of this Chapter. Section 20.13.60 of this Chapter provides design standards for automobile and truck parking.

2. Schedule of Handicapped Parking Requirements

Handicapped parking requirements are established by the State of California. The following requirements for handicapped parking are intended to be identical to the state requirements at the time of adoption of this Title. Any future changes in state requirements shall preempt the standards for provisions of handicapped parking spaces contained in this Title.

- a. Handicapped parking space dimensions are provided in section 20.13.60 of this Chapter.
- b. Handicapped parking spaces shall be provided at the following rates:

Number of Automobile Spaces Provided	Number of Handicapped Spaces Required
1-25	1 Van accessible space
26-50	2 Including 1 van accessible space
51-75	3 Including 1 van accessible space
76-100	4 Including 1 van accessible space
101-150	5 Including 1 van accessible space
151-200	6 Including 1 van accessible space
201-300	7 Including 1 van accessible space
301-400	8 Including 1 van accessible space
401-500	9 Including 2 van accessible spaces
501-1000	2% Including 3 van accessible spaces
1001+	20 + 1 per 100 or fraction, including a minimum of 1 van accessible space per 8 accessible spaces or fraction thereof

3. Schedule of Motorcycle and Bicycle Parking Requirements

- a. Motorcycle parking space design standards are provided in section 20.13.60 of this Chapter.
- b. Motorcycle and bicycle parking spaces shall be provided for all nonresidential uses at the following rates:
 - (1) Uses requiring more than 25 but less than 100 parking spaces shall provide one (1) designated motorcycle parking space.
 - (2) Uses with 100 or more parking spaces shall provide one (1) designated motorcycle parking area for each 100 required automobile parking spaces.
 - (3) Motorcycle parking spaces required by this Section shall count toward meeting the total number of parking spaces required by the provisions of this Chapter.

Table 13.A
Off-Street Automobile Parking Space Requirements

Use	Minimum Off-Street Parking Requirements	Maximum % Compact Uses	Notes
b. Community Park (under 5 acres)	A minimum of 5 spaces per acre; Plus additional spaces for spectator seating at athletic fields, community centers, and pools.	25%	
10. Skating Rinks	1 space per 100 gross sq. ft. of floor area	25%	
11. Tennis, Handball, Racquetball Facilities	3 spaces per court plus required parking for other on-site uses	25%	
12. Theaters, Movie	5 spaces plus 1 space per 3 fixed seats	25%	
G. PUBLIC AND QUASI-PUBLIC USES			
1. Day Care, Preschools, Nursery Schools, Family Day Care, Residential Care Homes ²⁴			²⁵ Parking requirements are based upon maximum capacity of the proposed facility.
a. Day Care Centers	1 space per employee plus 1 space per 5 children	25%	
b. Family Day Care Homes	2 spaces per dwelling unit in addition to residential requirement	25%	
c. Residential Care Homes	2 spaces per dwelling unit in addition to residential requirement	25%	
2. Libraries, Museums, Galleries	1 space per 400 gross sq. ft. of floor area	25%	
3. Places of Worship	1 space per 80 sq. ft. of floor area of main assembly/auditorium area; plus requirement for office space, if applicable; plus requirement for school uses, if applicable	25%	
4. Public Utilities	To be determined by the PRC for the proposed use ²⁵	25%	²⁵ Applicant shall submit a parking study. (See section 20.13.20).

Table 13.A
Off-Street Automobile Parking Space Requirements

Use	Minimum Off-Street Parking Requirements	Maximum % Compact Uses	Notes
3. Medical and Dental offices and Clinics, Veterinary Clinics and Offices, Emergency rooms	1 space per 200 gross sq. ft. of floor area	25%	
E. INDUSTRIAL USES			
1. Manufacturing	1 space per 500 gross sq. ft. of floor area devoted to manufacturing plus the required amount of parking for gross square footage devoted to other uses	35%	
2. Research and Development	1 space per 250 gross sq. ft. of floor area	35%	
3. Warehouse and Distribution	1 space per 1,000 gross sq. ft. of floor area devoted to warehousing plus the required amount of parking for gross square footage devoted to other uses.	35%	
F. ENTERTAINMENT AND RECREATION USES			
1. Arcades, Games	1 space per 150 gross sq. ft. of floor area	25%	
2. Auditoriums, Places of Public Assembly	1 space per 5 seats or 1 space per 80 gross sq. ft. where there are no fixed seats.	25%	
3. Bowling Alleys, Billiard Halls	5 spaces per alley plus 2 spaces per billiard table plus required parking for other on-site uses.	25%	
4. Commercial Stables	1 space per 5 horses capacity for boarding on-site.	25%	
5. Golf Driving Range	1 space per tee plus required parking for other on-site uses	25%	
6. Golf Course (Executive and Regulation)	6 spaces per hole plus required parking for other on-site uses	25%	
7. Golf, Miniature	3 spaces per hole plus required parking for other on-site uses	25%	
8. Health Club/Centers	1 space per 100 sq. ft. floor area ²²	25%	²³ Alternative parking requirements may be established by the Planning Agency based upon a parking study submitted by or required of such a facility (See section 20.13.20).
9. Parks, Public and Private (over 10 acres in size)	To be determined for the proposed use based upon the parking study findings ²³		
a. Neighborhood Parks (under 10 acres)	A minimum of 5 spaces for the first 2 acres plus 1 space for each additional acre	25%	²⁴ Applicant must submit a parking study (see section 20.13.20).

Table 13.A
Off-Street Automobile Parking Space Requirements

Use	Minimum Off-Street Parking Requirements	Maximum % Compact Uses	Notes
f. Bank, Savings & Loan ²⁰	1 space per 250 sq. ft. of gross floor area	25%	²⁰ Special design requirements shall apply for drive-through facilities (see Chapter 20.11, Specific Use Development Standards).
g. Business and Personal Services	1 space per 250 sq. ft. of gross floor area	25%	
h. Bed and Breakfast Inns	Required spaces for existing residential unit(s) and 1 space per each guest room	25%	²¹ All spaces for guest parking shall be 9 feet wide by 19 feet long. Neither on-street nor tandem parking shall be allowed to satisfy the parking requirements.
i. Eating and drinking facility with or without drive-in or take-out facilities. ²¹	1 space per 80 sq. ft. of gross dining area, inside and outside	25%	²² Special design requirements shall apply for drive-through facilities (see Chapter 20.11, Specific Use Development Standards).
j. Mortuaries	1 space per each 4 seats plus funeral procession queue capacity for 5 cars	25%	
k. Offices			
(1) Administrative, Business, Professional	1 space per 250 gross sq. ft. of floor area	35%	
(2) Government	1 space per 200 gross sq. ft. of floor area	35%	
l. Retail, General (i.e., Department Stores, Markets, Specialty, etc.)	1 space per 250 gross sq. ft. of floor area	25%	
m. Retail, Furniture, Major Appliances	1 space per 500 gross sq. ft. of floor area	25%	
C. EDUCATIONAL SERVICES			
1. Business and Trade Schools	1 space per each 4-person capacity, or 1 space per 250 gross sq. ft. of floor area, whichever is greater	25%	
2. Colleges	10 spaces plus 30 spaces per classroom	25%	
3. Elementary, Junior High Schools	2 spaces per classroom	25%	
4. Senior High Schools	10 spaces plus 10 spaces per classroom	25%	
D. MEDICAL AND HEALTH SERVICES			
1. Convalescent and Nursing Homes	1 space per 3 beds	25%	
2. Hospitals	1 space per 1.5 beds	25%	

Table 13.A
Off-Street Automobile Parking Space Requirements

Use	Minimum Off-Street Parking Requirements	Maximum % Compact Uses	Notes
5. Mobilehome Parks and Subdivisions			
a. Resident Parking	2 spaces per unit ¹³	None	¹³ Tandem spaces may be permitted to meet parking requirements for a mobilehome park.
b. Guest Parking	1 space per five (5) units.	None	
6. Model Home Complexes	3 spaces per model home plus 1 space per salesperson ^{14, 15}	None	¹⁴ On-street parking adjacent to the model homes may be counted toward the parking requirement if it is found that such parking will not impact other residential parking and will not obstruct traffic flow. ¹⁵ Spaces for salespersons may be provided in vacant garages of model homes.
B. COMMERCIAL USES			
1. Uses Located in Regional Commercial Shopping Centers (more than 750,000 sq. ft. of gross leasable area)	1 space per 300 sq. ft. of gross floor area	25%	
2. Uses Located in Neighborhood, Community, and Convenience Shopping Centers (less than 750,000 sq. ft. of gross leasable area)	1 space per 250 sq. ft. of gross floor area ¹⁶	25%	¹⁶ Alternative parking requirements for specialty commercial centers may be established by the PRC based upon a parking study submitted by or required of the applicant. See section 20.13.20).
3. Freestanding Commercial and Service Uses			
a. Automobile Repair and Services	1 space per 500 sq. ft. of gross floor area plus 1.5 spaces per service bay. ¹⁷	25%	¹⁷ No required off-street parking space shall be used for sale, service, rental, or repair of vehicles.
b. Automobile Sales	1 spaces per 350 sq. ft. of interior office area plus 2 spaces per service bay. ¹⁸	25%	¹⁸ No required off-street parking space shall be used for repair of vehicles.
c. Automobile Service Station ¹⁹	2 spaces plus 2 spaces per service bay	25%	¹⁹ If a mini-mart is developed as part of the service station, additional parking at a rate of 1 space per 200 sq. ft. of retail area shall be provided.
d. Automobile Washing (Self Service)	1 space per 2 washing stalls	25%	
e. Barber Shop, Beauty Parlor	2 spaces per barber chair or beautician station	25%	

Table 13.A
Off-Street Automobile Parking Space Requirements

Use	Minimum Off-Street Parking Requirements	Maximum % Compact Uses	Notes
A. RESIDENTIAL USES			
1. Single Family Dwelling	2 spaces per unit ^{1,2}	None	¹ Must be provided within an enclosed garage. ² Units which meet State requirements for 2nd units shall provide an additional parking space.
2. Multifamily Dwelling			
a. Resident Parking ^{3,4,5,6}	Studio: 1 space per unit 1 bedroom: 1.5 spaces per unit 2 or more bedrooms: 2 spaces per unit	None None None	³ All parking spaces shall be assigned to a specific unit. ⁴ Enclosed garage may be required if project qualifies as a discretionary permit. ⁵ All spaces shall be located within 150 feet of the unit being served.
b. Guest Parking	0.25 spaces per unit for 11 or more units; no guest parking for 10 or less units	50%	⁶ The parking requirement shall be reduced to 1 space per unit pursuant to a Density Bonus granted for a Qualifying Residents Project in accordance with the provisions of section 20.10.80.
3. Senior Housing: Independent Living			
a. Resident Parking	1 space per unit ⁸	None	⁸ Spaces shall be covered, and may be either a carport or garage.
b. Guest Parking	0.25 spaces per unit ⁹	50%	⁹ Guest spaces may be uncovered.
4. Senior Housing: Congregate Care			
a. Resident Parking	0.5 spaces per unit or as determined by the Planning Agency. ^{10, 11}	50%	¹⁰ Applicant shall submit a parking study pursuant to the requirements of section 20.13.20. ¹¹ For multiple family units, the parking shall be within 150 feet of the dwelling it is serving.
b. Guest Parking	0.25 spaces per unit.	50%	

a. Application Requirements

Requests for delineation of time-restricted customer parking shall be submitted to the Community Development Director on forms supplied by the Community Development Department and shall be acted upon by the City Council. The following information shall be supplied within the application:

- (1) Site plan of the commercial activity, including information regarding the total number of parking spaces, the number and designation of proposed time-restricted parking spaces, and on-site vehicular, bicycle, and pedestrian circulation, access, and design.
- (2) A letter of justification describing how the proposed use will meet the required findings set forth in section 20.13.20.11.c. below.
- (3) Other information as may be required by the Community Development Director or the City Council.

b. Approval Authority

Requests for time-restricted parking may be approved by the City Council.

c. Required Findings

A request for time-restricted customer parking may be approved provided that all of the following findings are made:

- (3) The amount and distribution of time-restricted customer spaces allows for time-restricted parking without adversely affecting the parking needs of other uses within the general area; and
- (4) The location of the time-restricted customer parking spaces will not impede vehicular, bicycle, or pedestrian circulation, and will not encroach into required fire lane access areas.

d. Revocation of Time-Restricted Customer Parking

- (1) Approvals for time-restricted customer parking spaces, granted pursuant to the provisions of this section, may be revoked by the City Council if it is found that the continued use of time-restricted customer parking adversely affects the parking needs of the general area or impedes vehicular, bicycle, or pedestrian circulation due to changes in tenant mix, customer parking demands, or any other factors which change the parking demand characteristics.
- (2) Any decision to revoke a time-restricted customer parking approval shall become final thirty (30) days after the decision to revoke is made.

12. No vehicle, as defined in section 20.1.190 (Definitions) of this Title, shall be permitted to be parked on any unpaved portion of a front yard setback area, or on any paved portion of a front yard setback area not designated as an access corridor (driveway) to an on-site parking facility (car port or garage) on any lot located in a residentially zoned district in the City.

7. Operation and Maintenance

- a. All parking, loading, and bicycle facilities required by this Chapter shall be maintained for the duration of the use requiring such facilities.
 - (1) Required parking and loading facilities shall not be used for the storage or display of merchandise, or for the storage or repair of vehicles or equipment.
 - (2) Required parking and loading facilities shall not be used for the sale of merchandise, except for a special event, subject to the issuance of a Special Event Permit pursuant to the provisions of section 20.2.100 (Special Event Permits) of this Title.
- b. It shall be the responsibility of the owner or operator of a specific use to ensure that required parking facilities are maintained in good operating condition, are periodically swept and cleaned, and are properly striped.

8. Requirements Not Given in Parking and Loading Schedules

- a. Where the parking and loading facilities requirements for a specific use are not listed in the schedules contained in sections 20.13.30 and 20.13.40 of this Chapter, the required parking shall be determined through the individual development application review process.
- b. An applicant proposing to develop or expand a use whose parking requirements are not shown, shall submit a parking study to the Community Development Director providing justification for the proposed number of spaces. This study, along with any traffic engineering and planning data, that is appropriate to the establishment of a parking requirement for the proposed use shall be considered during review of the development application.

9. Compact Parking

The maximum percentage of all on-site parking that may be permitted as compact spaces, shall be as provided in Table 13.A of this Chapter, unless otherwise specified in section 20.13.50 (Adjustment to off-street parking requirements) of this Chapter.

10. Tandem Parking

Unless otherwise permitted in this Chapter, tandem parking shall not be used to meet the required number of parking spaces specified in the parking schedules, unless specifically permitted as part of an approved conditional use permit or unless findings for a variance can be made.

11. Time-Restricted Customer Parking

Time-restricted customer parking may be delineated for high turnover businesses for the purpose of restricting long-term parking at selected locations. Time restricted customer parking shall comply with the following requirements. Requests for time restricted parking may be included within the required development application submittal for new or expanded uses, and shall be approved or denied based on the criteria listed in section 20.13.20.11.c. below.

3. Calculation of Floor Areas

The floor areas used to calculate the number of spaces required by the schedules for provision of off-street parking and loading spaces contained in sections 20.13.30 and 20.13.40 of this Chapter shall include:

- a. All floor area which is devoted to office, retail, service, or other activities and uses including: storage areas, restrooms, lounges, lobbies, kitchens, and interior hallways and corridors, unless specifically exempted in this Chapter.
- b. All outdoor patio, deck, balcony, terrace, kiosk, or other outdoor area that will accommodate a permanent activity that will generate a demand for parking facilities in addition to that which is provided for principal activities and uses within the building or structure.
- c. Gross floor area shall not include enclosed or covered areas used for off-street parking, loading, or bicycle facilities.

4. Fractions

Where the application of the schedules for provision of off-street parking, loading spaces, and bicycle facilities contained in sections 20.13.30, 20.13.40 and 20.13.50 of this Chapter result in a fractional space, the fraction shall be rounded to the next lower whole number.

5. Increases and Decreases in Requirements

- a. The number of spaces required by the schedules for provision of off-street parking and loading spaces contained in sections 20.13.30 and 20.13.40 of this Chapter may be increased if it can be demonstrated through a parking study that the proposed use would have a parking or loading space demand greater than the requirements given in sections 20.13.30 and 20.13.40 of this Chapter. The Community Development Director may require that a parking study be provided by an applicant when, in the opinion of the Community Development Director, an increase in the number of parking or loading spaces may be warranted.
- b. A decrease in the number of spaces required by the schedules for provision of off-street parking and loading spaces and bicycle facilities contained in sections 20.13.30 and 20.13.40 of this Chapter may be granted under the circumstances identified in section 20.13.50 of this Chapter by approval of a variance or as part of an application for a conditional use permit.

6. Multiple Uses

In situations where a combination of uses are developed on a site, including multiple uses under single ownership, the number of spaces required by the schedules for provision of off-street parking, loading spaces, and bicycle facilities contained in sections 20.13.30 and 20.13.40 of this Chapter shall be equal to the sum of the requirements for each of the uses, unless a reduction is granted pursuant to the shared parking provisions of section 20.13.50 of this Chapter. If the gross floor area of each individual user is less than the minimum for which parking or loading spaces would be required, the aggregate gross floor area shall be used in determining the required number of parking and loading spaces.

20.13.10 **PURPOSE AND INTENT**

This Chapter is intended to ensure an adequate provision of parking, loading, and bicycle facilities proportionate to the needs created by the various land uses within the City. In providing adequate parking, loading, and bicycle facilities, it is the intent of this Chapter to:

1. Progressively alleviate or prevent on-site and off-site traffic congestion and hazards;
2. Ensure the maneuverability of emergency and service vehicles;
3. Provide safe, accessible, convenient, attractive, and well-maintained off-street parking areas;
4. Protect residential neighborhoods from the effects of vehicular noise and traffic by uses in adjacent non-residential districts; and
5. Implement General Plan circulation, air quality, and energy conservation policies.

20.13.20 **GENERAL REGULATIONS**

1. Applicability
 - a. Any new building constructed, any new use established, any addition or enlargement of an existing structure or use, and any change in the occupancy of an existing building or the manner in which a use is conducted that would result in additional parking spaces being required, shall comply with the provisions of this Chapter.
 - b. In the case of additions or enlargements of an existing building or use, or a change of occupancy or manner of operation that would result in additional parking spaces being required, the additional parking spaces shall be required only for such addition, enlargement, or change, and not for the entire building or use, unless a specific finding is made by the Community Development Director that additional parking for the entire building or use is necessary to protect the public health, safety, and welfare.
2. Status of Existing Development and Approvals
 - a. No building or use of land which lawfully existed on the effective date of this Title shall be considered nonconforming solely because of the lack of off-street parking and loading facilities required by this Chapter.
 - b. Projects with unexpired plot plans or conditional use permits approved prior to the effective date of this Title need only meet the requirements of the parking ordinance in effect on the date the plot plans or conditional use permits were approved.
 - c. No off-street parking facilities located in a commercial, business park, or industrial zone district shall be used for any purpose other than the temporary parking of vehicles used by employees and patrons that the facilities are intended to serve without first obtaining approval of the City. The display of vehicles offered for sale shall be strictly prohibited on said off-street parking facilities.

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CHAPTER 20.14

SIGN REGULATIONS

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20.14.10 **INTENT**

1. Signs are considered to be an essential economic and visual element of any community. They contribute significantly to its visual quality, thus influencing perceptions of that community. In communities where there has been an uncontrolled proliferation of signs, the result has often been clutter, confusion and visual blight to the detriment of that community's image, and to its economic development. However, under proper regulation, signs may be designed and displayed to effectively convey their intended message and to help create a community, which is well-organized and visually appealing.
2. It is the intent of this Chapter to control proposed and existing signs in the City in order to protect its physical and economic environment, to implement the policies of the General Plan, and to promote public health, safety and general welfare.

The general objectives and provisions of this Chapter are intended to:

- a. Ensure that signs serve primarily to identify an establishment on a site and to direct persons to various activities and enterprises in order to provide for maximum public convenience;
- b. Ensure that signs are compatible and harmonious with their surroundings and adjacent land uses;
- c. Ensure that signs are expressive of the identity of the individual properties and of the community as a whole;
- d. Avoid traffic hazards by minimizing visual competition among signs and by providing clear identification of businesses;
- e. Encourage signs which are well designed and attractive in appearance and provide incentives and latitude for variety, innovation, pleasing design relationships, and spacing; and
- f. Provide criteria for signs to insure the development of a high quality visual environment.

20.14.20 **ADMINISTRATION**

1. Compliance Required

- a. No person, business, organization or entity of any kind whatsoever shall place, erect or maintain or cause or allow to be placed, erected or maintained any sign or sign structure, contrary to or in violation of any of the provisions of this Chapter.
- a. Any sign or sign structure, which is being displayed or is being poorly maintained in violation of the provisions of this Title, shall be taken down, removed, or altered to comply with the provisions of this Chapter. It shall be the responsibility of the owner, agent, or person having the beneficial use of the building or structure or land upon which such sign or sign structure may be found to take down, remove or alter the sign or sign structure to comply with the provisions of this Chapter.

2. Sign Permits and Review

a. Permits Required

No sign or sign structure shall be placed, erected or maintained within the City without prior issuance of a sign permit unless such sign is specifically exempted by this Title or by other City Ordinance. Building and electrical permits may also be required. Signs or sign structures placed, erected, or maintained without all required permits, and not exempted by this Title or by other City Ordinance, shall be deemed illegal.

b. Permit Applications

Applications for sign permits or for approval of Planned Sign Programs shall be made on forms provided by the Community Development Director and shall be accompanied by plans and exhibits as required. Upon receipt of a sign application, the Community Development Director shall inform the applicant as to the completeness of the submittal and of additional materials required, if any. No sign application shall be forwarded to the appropriate reviewing authority for approval, approval subject to modifications, or denial, until the applicant has submitted a complete application.

c. Review and Decision

The reviewing authority shall determine if the proposed sign or Planned Sign Program conforms to the provisions of this Chapter and shall accordingly approve, approve subject to modifications and/or conditions, or deny the sign application.

3. Written Authorization

Written authorization shall be required from the owner or authorized agent of the premises prior to placing, erecting or maintaining a sign or sign structure on any property.

4. Review Responsibilities

a. Community Development Director

The following signs shall be reviewed by the Community Development Director :

- (1) All initial Planned Sign Programs.
- (2) Free-standing directional signs (e.g. parking lot entry signs) over four (4) square feet in area and four (4) feet in height.
- (3) Any sign requiring a sign permit as required by the provisions of this Title.

b. City Council

Generally, the following signs shall be reviewed by the City Council :

- (1) Sign variances.
- (2) Where signage is part of a development application requiring City Council review.

5. Interpretations

In all sign applications, where a matter of interpretation arises, the more specific definition or the more rigorous standard shall prevail. Whenever the Community Development Director determines that the application of any provision for this Chapter is uncertain, the issue shall be referred to the City Council for determination.

6. Appeals

Appeals to decisions regarding signs shall be filed and reviewed pursuant to the provisions of section 20.2.180 of this Title except that the City Council shall consider appeals of all staff decisions upon receipt of any such appeal.

7. Variances

Variances from the requirements of this Chapter shall be in accordance with the provisions of section 20.2.60 of this Title. In addition to the findings specified in section 20.2.60, the following additional findings shall be made prior to approving a variance for signs.

- a. The site has a unique character or features that cause visibility problems, thus causing undue economic burden or business hardship; and
- b. No other proposed signing alternative or design would be feasible or would provide reasonable signage in accordance with this Chapter; and
- c. The proposed sign does not create a traffic hazard; and
- d. The proposed sign does not create a visual blight to the community; and
- e. The proposed sign does not adversely affect adjacent properties; and
- f. The proposed sign is in compliance with the provisions of this Title in regard to regulations apart from those imposed by this Chapter.

8. Illegal Signs

- a. The following signs and sign structures shall be considered illegal:

- (1) Unsafe Signs or Sign Structures

A sign or sign structure shall be deemed unsafe if determined by the Building Official to be a danger or to create a potential hazard to the public.

- (2) Abandoned Signs and Sign Structures

A sign or sign structure which, for a period of one hundred eighty (180) days or more, does not advertise or identify an ongoing business, business product, or service available on or off the premise where the sign or sign structure is located, shall be deemed abandoned.

- (3) Illegally Erected Signs and Sign Structures

A sign or sign structure shall be illegally erected if it violates any provision of this Chapter including but not limited to, a sign or sign structure which does

not have required permits, or a sign or sign structure which has been erected without first complying with all ordinances and regulations in effect at its time of construction and erection or use. No sign or sign structure that was placed or erected in violation of any previously existing sign ordinances or regulations, by virtue of adoption of this Chapter, shall become conforming or legal.

- b. All illegal signs and sign structures are hereby deemed to be nuisances.

9. Prohibited Signs and Sign Structures

The following types of signs are prohibited in the City:

- a. Signs or sign structures having any animated, moving or rotating parts, except for signs or sign structures which have historical marketing significance unique to a profession, rather than an individual business, such as barber poles, including signs that have alternating messages that change more than once an hour. Notwithstanding the above, time and temperature displays may be permitted in Commercial and Employment zone districts.
- b. Flashing or otherwise light-animated signs which contain or are illuminated by lights which are intermittently on and off, change in intensity, or which create the illusion of flashing in any manner.
- c. Signs, which make sounds.
- d. Signs or sign structures which by color, wording, design, location or illustration resemble, obscure, imitate, or otherwise limit the effectiveness of traffic control signs or devices.
- e. Signs or sign structures which create a potential safety hazard by obscuring a clear view of pedestrian or vehicular traffic.
- f. Balloons and/or other inflatables, tethered or not, used to draw attention to a use or event, unless expressly permitted in this Chapter.
- g. Flags, pennants, streamers, spinners, festoons, windsocks, valances, or similar displays, temporary or permanent, unless expressly permitted in this Chapter.
- h. Moveable or portable signs or sign structures, including signs attached to or painted on trailers or vehicles parked on public or private property for the purpose of gaining unauthorized sign area.
- i. Signs or sign structures drawn or painted onto or otherwise affixed to trees or rocks.
- j. Building-mounted signs or sign structures placed on or above the eave line of a pitched or mansard roof, or above the top of a wall of a building with a flat or parapet roof.
- k. Off-site advertising signs and displays.
- l. Signs or sign structures placed within, on, or over public right-of-way, on public land, or on utility poles, unless an encroachment permit has been approved for such a sign by the City Engineer.

- m. Any sign or sign structure not specifically permitted in this Chapter.
- n. Any sign that projects more than twelve (12) inches from a building wall.

10. Enforcement

It shall be the duty and authority of the Code Enforcement Officer to enforce the provisions of this Chapter.

20.14.30 SIGN STANDARDS

The following design criteria shall be used by the Community Development Director in order to determine if a proposed sign is consistent with the intent of this Chapter.

1. Identification

Major identification signs shall serve primarily to identify the name or type of business or other land use.

2. Architectural Context

Sign design shall harmonize with the architectural design and details of the building it serves, with other signs on the building, with the building's surroundings, and with the business or other activity that the sign identifies. Further, signs shall not cover or obstruct significant architectural elements.

3. Design Elements

The following design elements shall be addressed:

a. Materials

Creativity in use of materials is encouraged. Durable materials, which are compatible in appearance with the building supporting or identified by the sign, shall be used.

b. Colors

Sign colors should harmonize with the building it serves and with adjacent landscaping and buildings.

c. Letter Style

Simple lettering styles should be used for ease of identification. Legibility should take priority over complexity in the design of the sign face.

d. Illumination

Illuminated signs shall be lighted to the minimum level required to ensure adequate nighttime readability. Specific illumination levels shall be in accordance with this Title.

e. Landscaping

Freestanding signs shall be located in a landscaped area, flanking all sides of the sign, which is of a shape, design and size equal to at least the area of the sign face and that is in scale with the overall proportions of the sign and its support structures.

f. Signs should not detract from the visibility of other signs on or adjacent to the site where the sign is placed.

g. Registered trademarks may be permitted as design elements.

4. Sign Area Measurement

For the purposes of this Chapter, sign size shall mean the sign area. Such area shall be more specifically defined as follows:

a. Sign Area

Sign size or area shall be defined as the entire area of the sign face, including non-structural perimeter trim and excluding architectural detailing, support structures, and/or uprights on which the sign is supported.

b. Window Signs

"Window area" shall be computed by calculating each window pane or panel. The area shall be separate for each building face and for each window. A group of window panes or panels may be considered one (1) window if they are adjoining on the building face and are less than six (6) inches apart.

c. Building-Mounted and Wall Signs with Individual Letters

The area of building-mounted or wall signs composed of individual letters affixed to a building or wall shall be considered to be the aggregate area within a maximum of three (3) rectangular figures which enclose and connect the extreme limits of up to three (3) message areas consisting of any writing, representation, emblem or any figure or similar character.

d. Wall Sign Panel

If a sign panel is inserted into or onto a wall, the area of the panel shall be considered to be the sign area.

e. Double-Faced Signs

If a sign has sign faces, which are placed back to back, no more than two (2) feet from one another, its sign area shall be considered to be the area of the larger face if the two faces are of unequal area. If, for example, the maximum permitted sign area is twenty (20) square feet, a double-faced sign may have an area of twenty (20) square feet on each face.

f. Three-Dimensional Signs

If a sign has three (3) or more faces, its sign area shall be considered to be the sum of the areas of each individual face. Thus, if a sign has four (4) faces and the

maximum permitted sign area is twenty (20) square feet, the maximum allowable area for each face is five (5) square feet.

g. V-Shaped Signs

If a sign is "V"- shaped, with an angle between the two (2) adjoining faces, its sign area shall be the sum of the areas of the two (2) sign faces.

h. Separated-Panel Signs

The sign area of separated panel signs (those signs having empty spaces between copy panels) shall be considered to be the entire area encompassed by the sign face, including the empty spaces between panels.

i. Signs Painted on Buildings

Any sign painted on a building shall be included in the calculation of the total sign area for the site upon which it is placed.

5. Sign Height Measurement

Free Standing Signs

Sign height for free-standing signs shall mean the greatest vertical distance, between the top of the sign, including any accompanying architectural features of the sign, and the average elevation as measured at the roadbed of the nearest street.

6. Sign Location

a. By District

Signs shall be located in accordance with the provisions for each land use district, type of development, or type of sign, as designated in Table 14.A of this Chapter.

b. No Off-Site Signs

All signs shall be located on the same premises as the land use or activity identified by the sign, unless the provisions of this Chapter expressly permit the off-site location of a sign.

c. Utility Lines

No sign shall be located closer to overhead utility lines than the distance prescribed by California law, or by the rules duly promulgated by agencies of the State, or by the applicable public utility.

d. Traffic Safety

No sign shall be located in such a manner as to obstruct free and clear vision of pedestrian and vehicular traffic.

e. Public Right-of-Way

No sign shall be located within, over, or across a public right-of-way except as expressly permitted in section 20.14.20.9.m. of this Chapter.

7. Sign Illumination

a. Illumination Levels

The sign permittee shall be required to adjust a sign's illumination level if it is determined to be excessive as the result of the City's evaluation. Illumination shall be considered excessive if it is substantially greater than the illumination of other nearby signs, if it interferes with the visibility of other signs or with the perception of objects or buildings in the vicinity of the sign, if it directs glare toward streets or motorists, or if it adversely impacts nearby residences or neighborhoods. The maximum illumination level for fluorescent lamps shall be four hundred thirty (430) milliamperes. Illumination levels shall be indicated on the sign plan.

b. Externally-Illuminated Signs

The light source for externally illuminated signs shall be arranged and shielded to substantially confine all direct light rays to the sign face and away from streets and adjacent properties. Externally-illuminated signs shall be subject to illumination level review.

8. Sign Maintenance

Every sign and sign structure within the City shall be maintained in good, safe structural and physical condition. All signs, together with supports, braces, guys, anchors, and electrical components, shall be kept in safe, presentable and good structural condition. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, and painted where paint is required. The Building Official may order the repair or removal of any sign determined by the Building Official to be unsafe, defective, damaged, or substantially deteriorated.

9. Signs on Vehicles

Signs are allowed on vehicles, without sign permits, when they are painted or attached directly to the vehicle so as to not extend or project beyond the vehicle's original profile. Signs, which are painted on or attached to vehicles must be incidental to the vehicle's primary purpose of transporting people or goods on the public right-of-way, and the vehicle may not be used primarily for advertising purposes. Signs on vehicles may not include arrows or other directional devices, the purpose of which is to direct those who observe such signs to a particular place of business.

20.14.40 SIGN REGULATIONS

Table 14.A. of this Chapter identifies signs that are permitted in each zone district. In addition to the regulations contained in Table 14.A., all signs must be in conformance with all other provisions of this Title.

Table 14.A. - Sign Regulations by Land Use Category

Class	Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location	Illumination Allowed	Remarks
A. SIGNS PERMITTED IN RESIDENTIAL DISTRICTS (R-A, R-1, R-2, R-3)							
1. Name Plate	Wall or door	One per occupied unit.	2 s.f.	Below eave line	Wall or door	No	Shall identify only the name and/or address of the occupant.
2. Apartment Identification	Wall or Monument	One per street frontage.	12 s.f.	Below eave line for wall sign and 4 ft. for monument sign. ¹	5 ft. setback from property line.	May be illuminated only in R-2 and R-3 Districts.	Shall only identify the apartment complex by name and address.
3. Institutional Signs	Wall or Monument	One per use.	24 s.f.	Below eave line for wall sign and 4 ft. for monument sign. ¹	10 ft. setback from front and 5 foot setback from side property line.	Yes	a. Name of institution only. b. May incorporate changeable copy.
4. Neighborhood Identification	Wall or monument	2 per major entrance.	48 s.f.	4 ft.	At major entrances to project/ neighborhood or residential subdivision of five or more dwelling units.	Yes	a. Copy limited to project/ neighborhood name only. b. Allowed only if maintenance responsibility assigned to community association.
5. Mobilehome Park Identification	Wall or monument	One per street frontage up to two per major entrance.	24 s.f.	10 ft. for wall; 4 ft. for monument. ¹	10 ft. setback from property line	Yes	
6. Project Identification Sign (Temp.)	Freestanding (on site)	2 for subdivisions more than 5 acre, otherwise one sign.	76 s.f.	15 ft.	10 ft. setback from any street. Located on the site of the project/ subdivision.	No	a. All signs shall be removed within 30 days after the sale/ rental of the last unit in the project/subdivision. b. Refer to sec. 20.14.150 for regulations pertaining to off-site subdivision signs.
7. Pedestrian Project Directory	Wall or free-standing	To be determined by the Community Development Director	4 s.f.	5 ft.	May not be located in any required setback.	Yes	a. To identify tenants and provide directions to individual units.
8. Real Estate							
a. Residential	Freestanding	One per residence	6 s.f.	5 ft.	Within the subject property	No	Copy limited to the sale, rent or lease of the subject property. Refer to sec. 20.14.50.4.
b. Subdivision, on-site Commercial Real Estate Signs and Kiosks (refer to section 20.14.100 of this Chapter)							

Table 14.A. - Sign Regulations by Land Use Category

Class	Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location	Illumination Allowed	Remarks
B. SIGNS PERMITTED FOR OFFICE BUILDINGS IN COMMERCIAL DISTRICTS (DC, GC, NC)							
1. Business Identification (Single Tenant)	Wall or monument	One each per street or parking frontage.	One-half s.f. of sign area per lineal foot of building fronting on a street. 24 s.f. maximum.	Below eave line for wall sign and 4 ft. for monument. ¹	May not be located in a required setback area.	Yes	
2. Building Identification (Multiple Tenant)	Wall	One per tenant per street frontage.	One-half s.f. of sign area per lineal foot of building fronting on a street 40 s.f. maximum.	Below eave line.	Wall or canopy	Yes	a. Copy shall pertain only to the name and/or address of the building. b. Illumination shall be reverse backlit, channel lit or indirectly illuminated.
	Monument	One per street frontage.	One-half s.f. of sign area per lineal foot of building fronting on a street 40 s.f. maximum.	4 feet ¹	Shall be setback 5 ft. from property line.	Yes	a. Copy shall pertain only to the name and/or address of the building. b. Illumination shall be reverse backlit, channel lit or indirectly illuminated.
3. Center Identification (Multiple Tenant)	Wall or Monument	One per each street frontage.	100 s.f.	Below eave line for a wall sign; 15' for a freestanding sign and 4' for a monument sign. ¹	Shall be setback 5 ft. min. from property line.	Yes	a. Copy shall pertain only to the name and/or address of the center and/or tenants of the center. b. Planter base or landscaped area to be provided equal to 4 times the area of one face of the sign.
4. Pedestrian Bus. Directory (Multiple Tenant)	Wall or monument sign	To be determined by the Planning Director.	15 s.f.	6 ft. for monument; below eave line for wall sign.	May not be located in any required setback.	Yes	To identify tenants and provide directions to individual establishments.
5. Name Plate	Wall	One per tenant.	4 s.f.		Adjacent to primary entrance of each tenant.		Copy limited to name and address of each tenant.
6. Window Signs	Window	One per window.	25% of window area.			No	
7. Institutional Signs	Wall or monument	One per use.	15 s.f.	4 ft. for monument; ¹ below eave line for wall sign.	Not in setback.	Yes	

Table 14.A. - Sign Regulations by Land Use Category

Class	Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location	Illumination Allowed	Remarks
8. High Rise Bldgs. (4 stories or more)							
a. Building Identification	Wall sign	Two per bldg.	300 s.f.	To be determined by City Council upon recommendation of PRC	Above the windows of the highest floor and below the eaveline.	Yes	a. Copy is limited to one company name and/or address per building. b. Company logos may be used in combination with letters. c. Signs shall be designed to be compatible with the architecture of the buildings.
b. Secondary Tenant Identification	Wall sign	Four per bldg.	22 s.f. max. per sign. Max. letter height = 18".	Below the second floor, or 20' whichever is less.	Near the entrance of the tenants they identify.	Yes	
c. Center or Project	Monument	One per street frontage.	40 s.f.	4 ft. ¹	At main entrance.	Yes	Shall contain only the name and/or address of the center, project and/or tenants of the center.
9. Temporary Signs Same as Temporary Signs allowed in Commercial Districts.							
C. SIGNS (NON-OFFICE) PERMITTED IN COMMERCIAL DISTRICTS (DC, GC, NC)							
1. Single Tenant Sites - Not part of a Center							
a. Business Identification	Wall or canopy	One single face sign per bldg. per street or parking lot frontage. Max. 3 signs per business.	1 s.f. of sign area per each lineal foot of bldg. fronting on a street. 75 s.f. max. sign area in NC, otherwise 100 s.f. max. In addition, 1 s.f. of sign area per each lineal foot of the bldg's rear elevation if a public entrance is provided from a rear street, alley, or parking lot, 50 s.f. max.	May not project above the eave line.	May be located on parapet or canopy.	Yes	Allowable aggregate wall sign(s) area shall exclude areas of allowed window signs.
b. Business Identification	Projecting	One double face sign per frontage.	25 s.f. max. per face.	May not extend beyond eave line.	May only be attached to the bldg. to which the copy relates.	Yes	a. Authorized in lieu of a wall sign. b. Authorized only where no building setback is required.

Table 14.A. - Sign Regulations by Land Use Category

Class	Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location	Illumination Allowed	Remarks
c. Business Identification	Window	One sign per window	30% of the glass area upon which the sign is located.		Window lettering permitted on interior or exterior of glass window or door.	Yes	Allowable aggregate of window sign(s) area shall exclude areas of allowable wall signs.
d. Business Identification	Monument	One double face sign per street frontage	24 s.f. in NC, 32 s.f. in DC and GG.	4 ft. ¹	Must not create traffic hazard at corners or driveways.	Yes	a. May not be located within 5 ft. of public right-of-way.
e. Business Identification (GC only)	Freestanding.	One double-face sign per dev.	100 s.f. per face.	25' for freestanding	Must be located in landscaped area.	Yes	a. Site must adjacent to an arterial street or within 1,000 ft. of a freeway centerline.
f. Drive Thru Restaurants	Menu board	Two per site.	30 s.f.	7 ft.	Shall not be located so as to be a hazard for driveway or corner radius.	Yes	Shall face away from the street.
2. Multiple Tenant Sites - Shopping Centers							
a. Business Identification	Wall or canopy	One single face per tenant per street or parking lot frontage. Max. 2 signs per business.	1 s.f. of sign area per each lineal ft. of bldg. fronting on a street. Not to exceed 75 s.f. In addition, 1 s.f. of sign area per each lineal foot of the bldg.'s rear elevation if a public entrance is provided from a rear street or parking lot. Not to exceed 50 s.f.	May not project above the eave line.	May be located on parapet or canopy.	Yes	a. All shopping centers shall develop a coordinated sign program for all tenants and uses in accordance with the requirements of this Title. b. Allowable aggregate wall sign area shall exclude allowable window area(s) used for signs. c. A center is one in which businesses and structures are designed in an integrated and interrelated development. Such design is independent of the number of structures, lots, or parcels making up the center.
b. Business Identification	Window	One sign per window	30% of the glass area upon which the sign is located.		Window lettering permitted on interior or exterior of glass window or door.	No, except signs constructed of neon tube letters.	Allowable aggregate of window sign(s) area shall exclude areas of allowable wall signs.

Table 14.A. - Sign Regulations by Land Use Category

Class	Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location	Illumination Allowed	Remarks
c. Business Identification	Under marquee	One per entrance (double face)	6 s.f. per face		Below eaveline and beneath canopy or marquee with 7 ft. clearance from sidewalk level to lowest point of sign.		Signs shall be uniform in color and design for all tenant identification within the center.
d. Business Identification	Monument	One double face	25 s.f. per face	4 ft. ¹	Shall be setback a min. of 5 ft. from front or side property lines.	Yes	Authorized for detached single business in structure of not less than 5,000 s.f.
e. Center Identification	Freestanding	One double face per each street frontage.	75 s.f. per face	Sign shall not exceed the height of the structure it identifies or 20 ft., whichever is less.	Shall be located in landscaped area; not be located to be a traffic hazard.	Yes	a. Sign may identify center and major tenants. b. Vertical clearance of 10 ft. required for freestanding signs projecting over vehicular passageway.
f. Center Identification (freeway or highway)	Freestanding	One double face sign per center.	125 s.f. per face	50 ft., unless a flag test or other suitable mechanism determines that a greater height is required due to vegetation or other factors that adversely detract from the 50 foot provision.	Must be located in landscaped area ; may not obscure another sign when viewed from a freeway or highway.	Yes	a. Center site must be adjacent to the right-of-way of a highway or within 1,000 feet of a freeway centerline. b. Signs shall be constructed, erected, and maintained to insure integration with the surrounding environment and land uses, and shall be directed away from residential land use districts. c. Sign text shall be limited to the name of business, logo, and/or type of business. Consolidation of multiple business names or logos shall be encouraged in order to reduce the number of signs. d. Signs shall be serviced by underground utility connection. e. Signs shall advertise only businesses that are located within 1,000 feet of a freeway centerline or adjacent to a highway.
g. Center Identification (all cases)	Monument	One double face	25 s.f. per face	4' above grade ¹	Shall be set back a minimum of 5 ft. from front or side property lines.	Yes	Sign may identify Center, address of Center, and major tenants.
h. Drive Thru Restaurants	Menu board	Two per site.	30 s.f.	7 ft.	Shall not be located so as to be a hazard for driveway or corner radius.	Yes	Shall face away from street.

Table 14.A. - Sign Regulations by Land Use Category

Class	Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location	Illumination Allowed	Remarks
3. Service Station							
a. Service Station Identification	Wall	One per street frontage, max. 2.	10% of building face not to exceed 50 s.f.	Not above eaveline or 20 ft. whichever is less.	----	Yes	a. A combination of monument and wall may be used, but no more than a total of 3 signs. b. The monument sign shall be designed to include the identity of the station. Price signs are allowed in accordance with State regulations.
	Monument	One per street frontage, max. 2.	36 s.f. per face	4 ft.			
b. Special Service Signs	Wall or ground	One for each pump island, not to exceed a total of 4 per station.	2 s.f. per face	8 ft.		No	Special service signs shall be limited to such items as self serve, full serve, air, water, cashier and shall be nonilluminated.
c. Service Station Identification	Freestanding	One double face sign per center.	125 s.f. per face if adjacent to a highway, or within 1,000 feet of the centerline of a freeway, otherwise 75 s.f. per face.	25 ft.	Must be located in landscaped area.	Yes	
d. Small Accessory Signs	Wall or Pump Island	N/A	2 s.f. per face	8 ft.	On-site	Yes	a. Small accessory signs are limited to warning signs such as "No Smoking" and signs on gas pumps or islands identifying the price of fuel, brand of gas, grade of gas, and pumping instructions. b. Small accessory signs shall not require a sign permit.
4. Temporary Signs							
a. Building	Window	1 per window	30% of the glazed area of a window.		Ground floor windows only.	No	
b. Construction	Freestanding	One single face sign per street frontage.	32 s.f.	10 ft.	Located so as not to create traffic hazard or over hang public right-of-way.	No	a. Authorized upon the issuance of a grading or building permit. b. Sign shall be removed prior to certificate of occupancy.
c. Future Facility or Tenant	Freestanding, wall or window.	One per street frontage or tenant.	32 s.f. per face	8 ft.	Within the subject property.	No	Sign shall be removed upon occupancy of the building(s).

Table 14.A. - Sign Regulations by Land Use Category

Class	Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location	Illumination Allowed	Remarks
d. Real Estate	Freestanding, wall or window.	One per street frontage.	32 s.f. per face	8 ft.	Within the subject property.	No	To advertise the sale or lease of structure or grounds and not for the purpose of advertising an agency occupying the premises.
5. Theaters							
a. Coming Attractions Display Case	Wall	One per screen for theaters or per stage for live theaters or cabarets.	6 s.f.	8 ft.	Near main entrance.	Yes	a. Cases shall be mounted and shall be large enough to display one (1) six (6) s.f. poster each.
b. Attraction Board	Wall, or freestanding.	One per theater, theater complex, or cabaret per street frontage.	20 s.f. plus 10 s.f. per screen or stage up to an overall maximum of 40 s.f.	25 ft.	May be located in landscaped setback area; however, shall not be located so as to be a hazard for driveway or corner radius.	Yes	a. All attraction boards shall be building mounted unless only one of the following findings can be made: 1) A freestanding sign is the only feasible means by which the business conducted on the premises can obtain the same degree of identification to motorists as that available to neighboring businesses that do not have such signage; or 2) The building is set back from the street or is obscured from street view by structures or mature vegetation such that a building mounted sign cannot provide adequate signage; or 3) The architectural style, materials, or design elements are such that a building mounted sign is not feasible or would detract from the building's appearance.
D. SIGNS PERMITTED IN EMPLOYMENT DISTRICTS (CRC, I)							
1. Business Identification							
Single Tenant							a. Same as subsection "C" SIGNS (NON-OFFICE) PERMITTED IN COMMERCIAL DISTRICTS (DC,GC,NC).

Table 14.A. - Sign Regulations by Land Use Category

Class	Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location	Illumination Allowed	Remarks
2. Multi-Tenant Sites							
a. Center or Project Identification	Entrance Monument	One per street entrance and one per major intersection.	40 s.f. per face	4 ft. ¹	Shall not be located so as to create traffic hazard for driveway or corner radius, as determined by the City Engineer.	Yes	a. Planter base or landscape area equal to or greater than the area of one face of a sign. b. Shall contain only the name of the center or project, no tenant information. c. For each public secondary street with at least 150 feet of frontage, a monument sign may be permitted indicating the name and/or address of the center on site.
b. Business Identification	Wall	One per street or parking lot frontage.	One s.f. of sign area per each lineal foot of building frontage.	May not project above eaveline.		Yes	a. Shall contain only the name and/or address and product of company. b. A sign program shall be required for developments with 3 or more tenants.
c. Business Directory	Freestanding	One per street or parking lot frontage.	32 s.f. per face	8 ft.		Yes	a. Intended to list only the names and addresses of on-site occupants. b. Shall be designed as part of overall sign program.
d. Advisory/ Directional	Wall or Freestanding	Minimum number necessary to provide adequate information.	4 s.f.	4 ft.	Minimum 5 ft. setback from property lines.	Yes	Copy limited to directional information such as "entrance" or "exit," but no directions to individual businesses.
e. Business Information	Window or wall sign.	One per main building entrance.	4 s.f.	6 ft.	At main building entrance.	No	Intended to provide only name, address, telephone, business hours, and emergency information for occupant.
3. Delano Airport	Wall or monument	Two per intersection entrance onto airport property.	160 sq. ft.	5 ft.		Yes	Intended only to identify the name and address of the Shafter Airport or as approved by the City Council .
4. Temporary Signs, as allowed in NC, GC, DC zone districts.							

Table 14.A. - Sign Regulations by Land Use Category

Class	Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location	Illumination Allowed	Remarks
E. SIGNS PERMITTED IN THE COMMUNITY FACILITIES DISTRICT (CF)							
1. Facility Identification							
a. Community Facility	Wall, monument, or freestanding.	One per street or parking lot frontage.	30 s.f. per face	May not project above eave line for wall sign; 25 ft. for freestanding sign; 4 ft. for monument sign. ¹		No	Intended only to identify the name and address of a public or quasi-public facility or as approved by the City Council .
b. Public Parks	Wall or Freestanding	One per street or parking lot frontage.	30 s.f. per face	May not project above eave line for wall sign; 4 ft. for monument sign.		No	Intended only to identify the name and address of a public or quasi-public facility or as approved by the City Council .

¹Monument sign may exceed maximum height requirement if approved by City Council

20.14.50 TEMPORARY SIGNS**1. Permit Required**

A temporary Sign Permit, to be issued by the Community Development Department, is required for any temporary sign over twelve (12) square feet in size and five (5) feet in height. All temporary signs and banners, regardless of size, may be displayed for a period of time not to exceed thirty (30) days.

2. Temporary Signs, General

Temporary signs directing the public to civic, charitable events, political or other non-commercial events that are open to the public shall be permitted for no more than thirty (30) days.

3. Temporary Political Signs

- a. A temporary political sign is defined as any non-commercial sign that indicates any one or a combination of the following:

- (1) The name and/or picture of an individual seeking election or appointment to a public office.
- (2) Relates to a forthcoming public election or referendum.

- b. Placement of all temporary political signs shall comply with the following requirements.

- (1) The maximum size of individual temporary political signs allowable in any zone district shall be as follows:
 - (a) Single Family Residential – six (6) square feet
 - (b) Multi-Family Residential – twelve (12) square feet
 - (c) Commercial and Employment Districts – thirty-two (32) square feet.
- (2) Candidates, campaign committees and other persons shall endeavor to place or post temporary political signs no sooner than forty-five (45) days before an election. Any such signs shall be removed within fifteen (15) days after an election to which the sign relates.
- (3) Temporary political signs shall comply with the provisions of section 20.14.20.9 (Prohibited signs and Sign Structures), excepting subsection 20.14.20.9.i of this Chapter.
- (4) Temporary political signs shall be located on private property only. No such sign shall be located in the public right-of-way, or on any object located in the public right-of-way including, but not limited to trees, fence-posts, and utility poles.
- (5) No temporary political signs shall be permitted that is in violation of this Chapter.
- (6) No temporary political sign may be placed in a location that hides from view any official traffic control device.
- (7) No sign permit or fee shall be required for temporary political signs.

- (8) Any temporary political sign in violation of this Chapter shall be deemed a nuisance and shall be abated in accordance with section 20.14.120 (Violations) of this Title and with section 20.1.50 (General Penalty), of this Title.

4. Residential Real Estate Signs

Real estate signs up to a maximum six (6) square feet in area and, if freestanding, a maximum of five (5) feet in height shall not require a sign permit. One (1) real estate sign shall be permitted per street frontage of a lot. Such signs shall be permitted to remain while property is in escrow but shall be removed when the property referred to is no longer for sale, rent, or lease.

- a. Riders which provide additional information about the property, such as "Sale Pending, may be attached to the primary sign or sign post as long as the total sign area does not exceed the maximum area allowed.
- b. Free-standing, on premise, "Open House" signs with a maximum area of three (3) square feet and a maximum height of three (3) feet shall be permitted between the hours of 9:00 a.m. and sundown daily.
- c. Free-standing, off-premise, directional "Open House" signs with a maximum area of three (3) square feet and a maximum height of three (3) feet shall be permitted between the hours of 9:00 a.m. and sundown daily. Prior to placing such a sign on any property, authorization is required from the owner of the property where the sign is to be located.
- d. Flags, pennants and banners used in conjunction with the sale, rental or lease of subdivision tracts shall be permitted only until the initial sale of the tract is completed.

5. Model Home Signs

On premise signs identifying model home complexes, either building-mounted or free standing, are permitted, provided such signs do not exceed twenty (20) square feet in size. Sign height, placement, and illumination shall comply with the requirements of the zone district in which said sign is located.

6. On-Site Construction Announcement Signs

On-site construction announcement signs, including names of architect, contractor, etc., up to a maximum thirty-two (32) square feet in area and, if free-standing, not exceeding six (6) feet in height, shall be permitted without a sign permit. No more than three (3) such signs shall be permitted per parcel. Such signs shall be erected after the issuance of the building permits for the subject properties and shall be removed upon issuance of the first occupancy certificate for the project referred to on the sign.

7. Temporary Posters

Temporary posters pertaining to future limited-term events, which will be held within thirty (30) days of the placement of such poster, shall be permitted without a sign permit. Such posters may be off-premise. If placed in a window, the poster(s) may not exceed fifteen percent (15%) aggregate of the area of the window in which they are placed.

8. Temporary Garage/Yard Sale

One double-faced sign, no more than six (6) square feet in area and four (4) feet in height, is permitted without a sign permit. Such signs may be placed only on the premises where the garage/yard sale is being held and shall not be placed on public property or within a public right-of-way. Such sign may be placed twenty-four (24) hours prior to the sale and must be removed immediately following the sale.

9. Temporary Decorative Balloons

- a. Decorative balloons, limited to twelve (12) per premises and not more than one (1) foot in diameter each, may be permitted in accordance with the provision of this Chapter, provided such balloons contain no reference to any named goods or services nor to any commercial enterprise and do not extend above the roof line of adjacent buildings.
- b. No metallic mylar balloons shall be permitted.

10. Holiday Window Painting

Decorative window painting in connection with a specific holiday is permitted without a sign permit provided that the painting contains no commercial messages. Such painting may remain on the window no more than thirty (30) days, after which all window painting in connection with said holiday must be removed.

11. Temporary Window Signs

Temporary window signs that are displayed upon a window in compliance with the provisions of this Chapter, are permitted in the commercial and employment zone districts; however, no such sign, or combination of signs, whether promotional, permanent, or any other type of sign, shall exceed thirty percent (30%) of the glazed area of any window.

12. Temporary Balloon Signs

Temporary balloons may be permitted within the City subject to the following conditions:

- a. Balloon signs shall be used for the purposes of commercial grand openings, development promotions, special events of limited duration, and like occasions.
- b. Each building or business shall be permitted one temporary balloon sign for a maximum of two (2) occasions per calendar year with a maximum duration of fourteen (14) days for each permitted use, or four (4) such occasions, per calendar year, with a maximum duration of seven (7) days for each such permitted use. Hot air balloons shall be permitted for a maximum of one (1) occasion per calendar year, with a maximum duration of three (3) days. Longer durations may be approved by the City Council.
- c. The maximum height of any balloon sign shall not exceed fifty-five (55) feet, measured from ground elevation, and the maximum size of any balloon shall not exceed twenty (20) feet in any dimension. A balloon sign may exceed the maximum dimensional requirement, upon approval of the City Council, provided such balloons maintain a minimum twenty (20) foot setback from any building and a ten (10) foot setback from any property line.
- d. Any balloon sign which does not identify or advertise the occupant of a building, lot, or premises, or related to any merchandise or to any business or activity available or being conducted at the building, or business where the sign is located, is prohibited.
- e. All balloon signs shall be securely anchored and erected in conformance with all applicable building, electrical, sign, and fire codes, subject to approval by the Project Review Committee.
- f. All hydrogen type balloons shall be prohibited.
- g. All temporary balloon signs and tie downs shall be constructed of nonconductive electric material.

20.14.60

FLAGS, PENNANTS AND BANNERS

1. Flags, pennants and banners are subject to the following provisions:
 - a. Shall apply only to businesses customarily conducted in the open.
 - b. Shall not contain advertising copy.
 - c. Shall not exceed twenty (20) feet in height.
 - d. Shall not exceed fifteen (15) square feet in area.
 - e. May be attached to either freestanding or building mounted flagpoles or other supports.
 - f. Shall be restricted to two (2) flags and one (1) flagpole per premise; unless a greater number is approved by the City Council subject to a City Council finding that any additional flags and/or flag poles will be compatible with the architecture and use of surrounding structures and land uses.
 - g. Building-mounted flagpoles shall not extend above the top of the building's roof.
 - h. Free-standing flagpoles shall not be placed within ten (10) feet of any property line.
2. Sign permits shall be approved by the Community Development Director for flags, pennants and banners as follows:
 - a. Flags, pennants and banners may be attached to building mounted flagpoles, free-standing flagpoles or other supports.
 - b. Shall not exceed thirty-two (32) square feet in area.
 - c. Shall not extend above the top of a building for building mounted flagpoles or shall not exceed thirty (30) feet in height for free standing flagpoles.
3. Flags larger in size and flags on higher freestanding poles than specified in the above section may be approved by the City Council if the City Council determines that the flags and flagpole will be compatible with the architecture and use of surrounding structures.
4. All other types of flags, pennants and banners as defined in Chapter 20.1 (Definitions) shall be treated as temporary signs and shall be subject to provisions of section 20.14.50. (Temporary Signs) of this Chapter.

20.14.70

CHURCHES AND OTHER INSTITUTIONAL USES

The Community Development Director shall review and may issue sign permits for churches, day care centers, nursing homes and similar uses in any land use district as follows:

1. Identification Sign
 - a. One identification sign per street frontage shall be permitted which identifies the main activity and the accessory activity or use on the site. Said sign shall be building mounted or a freestanding sign structure.
 - b. The freestanding sign may be permitted if the Community Development Director makes any one of the following findings:

- (1) A freestanding sign structure is necessary to provide adequate identification of the institution to motorists.
- (2) The building is set back from the street or obscured from street view by structures or vegetation such that building mounted signage cannot provide adequate access.
- (3) The architectural style, materials, or other design elements are such that a building mounted sign is not feasible or would detract from the building's appearance.

2. Sign Standards

a. Building Mounted Signs

- (1) Shall be a maximum of twenty-four (24) square feet in area for churches and other institutional uses on sites of one (1) acre or less and thirty-two (32) square feet in area for all sites greater than one (1) acre.
- (2) Shall be placed below the eave line of buildings with a pitched or mansard roof and below the top of the wall for buildings with a flat or parapet roof.

b. Monument Sign

Shall be a maximum of four (4) feet in height and a maximum of forty-eight (48) square feet in area.

3. Attraction Board

Attraction boards shall provide a means to communicate future events or activities on a site and shall be a maximum of twelve (12) square feet in area for churches and other institutional uses on sites of one (1) acre or less and eighteen (18) square feet in area for all sites greater than one (1) acre in size.

20.14.80 PLANNED SIGN PROGRAM

The Community Development Director shall review and may approve a sign permit for a Planned Sign Program for any new business park, industrial complex, shopping center, office complex or retail center as follows:

1. Any building, business park, shopping center or other contiguous group of businesses are eligible for consideration of a Planned Sign Program.
2. No minimum frontage or site size is required.
3. Signs within the Planned Sign Program shall have one or more common design elements, such as colors, materials, illumination, sign type, sign shape, letter size and letter type.
4. The sign program shall specify signs in harmony with the materials, colors, architecture, and other design features of the buildings they identify.
5. The Community Development Director may approve a Planned Sign Program upon finding that:
 - a. The signs allowed by the program will not adversely affect other nearby properties.
 - b. It is consistent with the General Plan and the provision of this Title.

- c. It will not constitute the granting of a special privilege nor provide more visibility or exposure than is available to similarly situated properties.
6. Reviewing Authority
 - a. Initial Planned Sign Programs shall be reviewed by the Community Development Director.
 - b. Signs, which are consistent with approved Planned Sign Programs, shall be reviewed by the Community Development Director.

20.14.90 PUBLIC SAFETY SIGNS

1. Signs required by law for public safety, or access such as "Exit" or "Fire Escape", shall be a maximum of two (2) square feet or such other size as required by law and shall not require a sign permit.
2. Signs warning of building, electrical mechanical, or other hazards such as "High Voltage", shall be a maximum of four (4) square feet or such other size as required by law and shall not require a sign permit.

20.14.100 KIOSKS, ON-SITE SUBDIVISION AND ON-SITE COMMERCIAL REAL ESTATE SIGNS

The following kiosks, on-site subdivision and on-site commercial real estate sign may be permitted in any land use district as follows:

1. The Community Development Director shall review and may approve Temporary Sign Permits for temporary on-site subdivision signs for each main street frontage of the subdivision being subdivided. Signs shall be for the identification of the property being subdivided, price information, and the developers name, address and telephone number. Said signs shall comply with the following requirements:
 - a. Shall not exceed thirty-two (32) square feet in area and fifteen (15) feet in height.
 - b. Shall not exceed three (3) such signs for all such phases of any subdivision and shall not be located on interior streets of the subdivision. Three (3) additional signs per builder may be approved by the Community Development Director for each merchant builder for residential developments within planned communities and shall be located within the site boundaries of the planned community.
 - c. Shall be removed within ten (10) days from the final initial sales of the subdivision.
 - d. Shall not be illuminated.
2. On-Site Commercial Real Estate Signs permitted without a sign permit as follows:
 - a. Shall not exceed thirty-two (32) square feet in area and fifteen (15) feet in height.
 - b. Shall not exceed one (1) per street frontage or a total of three (3) per site.
 - c. Shall be removed within ten (10) days from the final sale or lease of the subject property or building.
 - d. Shall not be illuminated.
3. The City Council shall review and may approve agreements between the City and applicants for Off-Site Business Kiosks and Subdivision Kiosks for the advertising of businesses and subdivisions within the City. The Business and Kiosk Sign Program shall be treated as separate kiosk sign programs. All liabilities, costs and/or expenses arising

out of the siting, installation, construction of off-site business or subdivisions kiosks shall be borne by said business or subdivider subject to provisions of any contract entered into between the City and the applicant(s).

The Community Development Director shall review and may approve sign permits for Off-Site Business Kiosks and Subdivision Kiosks subject to approved agreement as follows:

- a. May be located either in or out of the public right-of-way.
 - b. No business sign panels shall be permitted on subdivision kiosks and no subdivision sign panels shall be permitted on business kiosks.
 - c. No kiosk shall contain more than a total of eight (8) business or subdivision sign panels per sign face.
 - d. Shall be a maximum of thirty-two (32) square feet in area and fifteen (15) feet in height.
 - e. Sign panels shall be no more than nine (9) inches in width and five (5) feet in length.
 - f. Sign panels may include any or all of the following information: name of business or subdivision, business or subdivision logo, no more than three (3) colors and directional arrow.
 - g. No pennant, flag, banner, streamer or other appurtenance may be affixed to any kiosk.
 - h. Placement of kiosks shall be subject to approval of the owner of underlying land (i.e. City Engineer for signs within the public right of way) and record owner for all other sites. Written authorization shall be filed with the Community Development Director prior to erection of any kiosk sign.
 - i. Shall be located not less than six hundred (600) feet from an existing kiosk site or previously approved but not erected kiosk site for the same type of kiosk program, e.g. business or subdivision.
 - j. Shall be located not less than fifty (50) feet from an intersection unless specifically authorized by the City Engineer.
4. Off-site real estate signs, advertising the location and sale of a residential subdivision on property other than the location of the subject subdivision, may be permitted upon approval by the City Council subject to, at a minimum, the following requirements:
- a. The applicant shall, prior to any such approval by the City Council, submit to the Community Development Department a detailed description of the location, design, materials, colors, copy, size, and height of any such off-site sign(s).
 - b. The size of the sign shall be a maximum of thirty-two (32) square feet in area and fifteen (15) feet in height.
 - c. No pennant, flag, banner, streamer or other appurtenance may be affixed to any such sign.
 - d. The sign shall be located not less than fifty (50) feet from an intersection unless specifically authorized by the City Engineer.

- e. Placement of the sign shall be subject to approval of the owner of the underlying land; i.e. the City Engineer for signs within the public right-of-way and the record owner for all other sites.
- f. The sign shall be located not less than three hundred (300) feet from an existing off-site sign or an off-site sign previously approved but not yet erected.

20.14.110 NON-CONFORMING SIGNS

1. Except as otherwise provided in section 20.2.120 of this Title, or otherwise regulated by State or Federal law, any sign lawfully in use on the effective date of this Title, but made non-conforming thereby, shall be permitted, as though it were not a non-conforming sign, providing any of the following conditions exist:
 - a. The primary message of the sign relates to the business being conducted on the premises upon which the non-conforming sign is located.
 - b. The size, copy area, or height of the non-conforming sign does not exceed the limits set forth in this Chapter by more than five percent (5%).
 - c. Projection of the non-conforming sign over a public right-of-way does not exceed one (1) foot.
 - d. Not more than fifty percent (50%) of the non-conforming sign is destroyed by any means.
 - e. The business to which the non-conforming sign applies remains unchanged and under the same ownership.
 - f. The non-conforming sign is kept in a state of good repair, both aesthetically and structurally.

Non-conforming signs that do not comply with any one of the above conditions are not exempted under the provision of section 20.14.110.1 of this Chapter and will be subject to the amortization schedule depicted in section 20.14.110.2 of this Chapter.

2. Amortization of Non-Conforming Signs

Any sign, which is non-conforming to the requirements of this Chapter, except, as provided in section 20.14.110.1 above, shall either be removed or made to conform to the requirements of this Chapter at the expense of the sign owner within the period of time prescribed herein. The period of time to comply with the provisions of this Chapter shall commence upon the effective date of this Title. Such non-conforming signs may be abated forthwith by the City in a manner consistent with the following schedule:

<u>Fair Market Value on Effective Date</u>		<u>Removal Period</u>
Less than	\$ 500.00	1 year
501.00 to	\$ 1,500.00	2 years
\$ 1,501.00 to	\$ 3,000.00	3 years
\$ 3,000.00 to	\$ 4,500.00	4 years
\$ 4,501.00 to	\$ 6,000.00	5 years
\$ 6,001.00 to	\$ 7,500.00	6 years
\$ 7,501.00 to	\$ 9,000.00	7 years
\$ 9,001.00 to	\$10,000.00	8 years
\$10,001.00 to	\$12,500.00	9 years
\$12,501.00 to	\$15,000.00 and over	10 years

3. Repair of Non-conforming Signs

Alterations or modifications to any non-conforming sign are prohibited, except for structural repair resulting in the same size or shape of the original sign. This provision is not intended to prevent any non-conforming sign to be altered in such a manner that it becomes a legal, conforming sign.

4. Removal and Abatement of Non-conforming Signs

The City may cause written notice, ordering the removal of non-conforming signs or displays, or for their compliance in accordance with the provision of the Section(s) in this Title to be served.

- a. Such notice shall be delivered either in the manner required by law for service of a summons or by first class certified mail, postage prepaid, upon the owner of the property upon which the nonconforming sign to be abated is located, as shown on the latest equalized assessment rolls on file in the office of the County Assessor of Kern County, or to any other parties of interest as may be known to the City.
- b. Such non-conforming signs shall be removed or altered in conformance with the provision of this Chapter within ninety (90) days after receipt of such notice.

20.14.120 VIOLATIONS

1. Except as otherwise specifically provided in this Chapter, any person violating any provisions or failing to comply with any of the mandated requirements of this Chapter is guilty of a misdemeanor. The general penalty for such misdemeanor shall be as set forth in Chapter 20.1. 50 of this Title.
2. In addition to the penalties provided in this Title, any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall constitute a public nuisance and may be abated by the City as such. Each day such condition continues shall be regarded as a new and separate offense.
3. All remedies herein are stated to be cumulative and non-exclusive.

U.C. BERKELEY LIBRARIES



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